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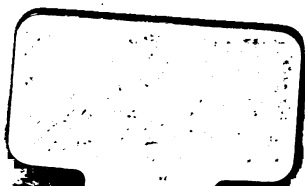
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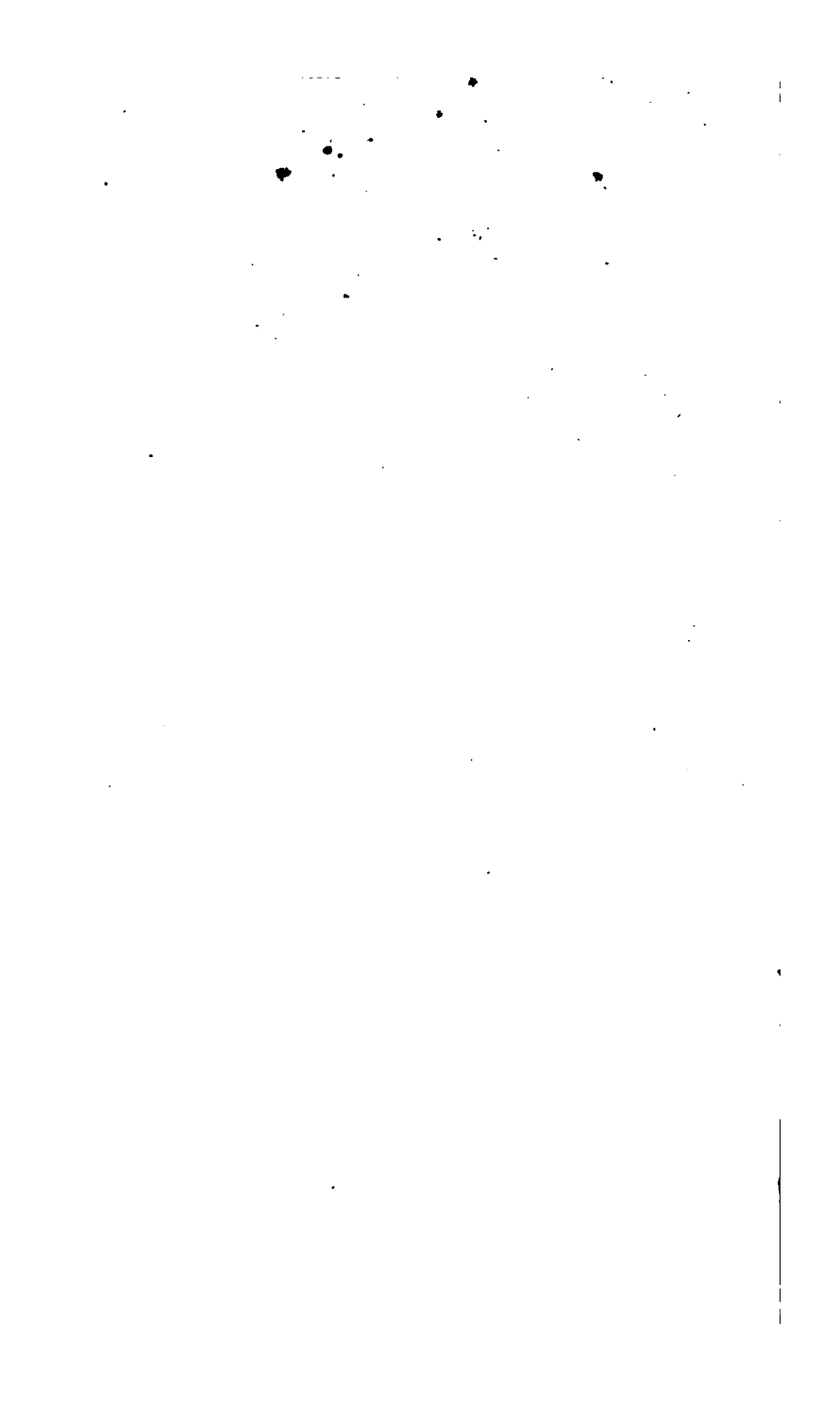
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8th. Jan. A. 20.

42.



THE
A C T
FOR THE AMENDMENT OF
The Poor Laws,
WITH
A PRACTICAL INTRODUCTION,
Notes and Forms.

THIRD EDITION.

With many valuable Additions ;

COMPRISING

Opinions of the Commissioners on the construction of many clauses in the Act ;
Forms of Orders in Bastardy, Notices of Appeals, &c. ;

and an APPENDIX, containing—
The GENERAL ORDERS of the COMMISSIONERS for the regulation of Unions,
Workhouses, &c.

STATUTES relating to the Poor, passed since 1830 ; and the
CASES on Settlements, &c., from Easter Term, 1831, to the present time.

BY
JOHN FREDERICK ARCHBOLD, ESQ.
BARRISTER AT LAW.

LONDON :
SAUNDERS AND BENNING, LAW BOOKSELLERS,
(SUCCESSORS TO J. BUTTERWORTH AND SON,)
43, FLEET STREET.

1835.

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ADVERTISEMENT

TO

THE THIRD EDITION.



Two large editions of this work have been sold within a year; and another is now called for. In the advertisement to the first edition, I mentioned that I had undertaken the work, principally for the benefit of those who had purchased my general work upon the Poor Laws, to apprise them of the alterations this Act has made upon the subject. With a similar view, I have added in an Appendix to the present edition, all the Statutes which have been passed, and all the Cases which have been decided, on the subject of the Poor Laws generally, since the publication of the last edition of that work in 1832.

To Mr. Chadwick, and Mr. Coode, the Secretary and Assistant Secretary to the Poor Law Commissioners, I am greatly indebted for much valuable assistance they have rendered me, and for the very kind manner in which they have rendered it: they have

furnished me, not only with the General Orders of the Commissioners for the Regulation of Unions, Workhouses, &c. and which the reader will find in the Appendix; but also with some valuable opinions of the Commissioners upon the construction of the Act, founded in most cases upon the opinions of the Law Officers of the Crown. The latter I have embodied in the notes, and have distinguished them from my own observations, by the signature P. L. C.

In other respects, I have taken pains to render this little work somewhat worthy of the extraordinary favour it has experienced from the profession generally, and from those more particularly engaged in the administration of the Poor Laws.

J. F. A.

5, King's Bench Walk, Temple.

ADVERTISEMENT

TO

THE FIRST EDITION.

THE Editor of this edition of the Statute for the Amendment of the Poor Laws, having already written a work upon that subject, which is now in a second edition, and probably in the hands of most persons engaged in the administration of those laws, thought it a duty he owed to the purchasers of that book, to show, in some short work upon the present statute, the different alterations it has effected. With that intent, very early after the bill was first brought into Parliament, he commenced his notes and observations upon it; he sedulously watched its progress through both Houses, and noted the amendments which from time to time were made in it; so that, when the bill passed, he had little more to do than to put his notes and observations in the form in which they now appear. The Editor mentions this, particularly, lest his work, from the circumstance of its appearing so very shortly after the passing of the Act, should be deemed or termed a crude or hasty production:—crude, it may be; hasty, it certainly is not. All he affects to claim for his small share in it, is the merit of accuracy. His task, a slight one, was easily performed; he had nothing to do with the policy of the Act—nothing to

do with any critical examination of its provisions ; his sole purpose was, to show, in a practical introduction, in what respects the present Act has altered the law relating to Settlements, and to the relief and removal of the Poor, and to give a concise analysis of its contents. And this, together with the Act itself, practical notes upon its different sections, where necessary, and the forms of notices, orders, convictions, &c., not given in the Act, but rendered necessary by it, form the whole of the present edition. The credit of having done these accurately, is all that he expects or desires for the work.

10, *Chancery Lane,*
August, 1834.

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INTRODUCTION.

IN this Introduction, I mean to treat shortly of the alterations, made by the present Statute, in the Laws relating to the Poor ; and I purpose doing so, under the following heads :

Chap. I.—The Law relating to the Settlement, Relief, and Removal of the Poor.

SECT. 1.—*Settlements.*

2.—*Relief.*

3.—*Removal.*

4.—*Appeal against Order of Removal.*

Chap. II.—The Management of the Poor.

SECT. 1.—*Officers appointed for that purpose.*

2.—*Union of Parishes, &c.*

3.—*Workhouses.*

Chap. III.—Bastardy Cases.

CHAPTER I.

THE LAW RELATING TO THE SETTLEMENT, RELIEF, AND REMOVAL OF THE POOR.

SECT. 1.

Settlements.

Settlements gained before the passing of the Act (14th August, 1834,) with the exception only of those gained by estate (a), are not affected by it.

Settlement by Birth is altered as to illegitimate children : formerly such children were deemed to be settled in the parish &c. in which they were born ; but by the 71st section of the Act, every illegitimate child, born after the passing of the Act, shall have and follow the settlement of its mother, until it attain the age of sixteen, or acquire a settlement in its own right. If the mother, however, have no settlement, then it should seem that the place of birth shall be the place of settlement, unless at

(a) See p. 3.

the time of the birth, the mother be actually confined as a prisoner within the walls of a prison (a), or have been delivered in a lying-in hospital or other place licensed for the reception of pregnant women (b), or in a house of industry, or house for the reception and care of the poor of any parish, &c. (c); in which latter case the child is deemed to be born in the parish that sent the mother to such house, and on whose account she was there received and maintained (d).

As to settlement by birth of legitimate children, the statute does not affect it (e).

Settlement by Parentage is not affected by the statute, except that illegitimate children now follow the settlement of their mother, as above mentioned (f).

Settlement by Marriage is not affected by the statute (g).

Settlement by Hiring and Service can no longer be acquired (h); and no person, under any contract of hiring and service not completed at the time of the passing of the Act, shall acquire any settlement by reason of such hiring and service (i). If however a person, now serving under a yearly hiring, and whose service under that hiring was not completed at the time of the passing of the Act, had previously hired with the same master for a less time than a year, and had served under that hiring until the commencement of his service under the yearly hiring, if these services united amounted to a year's service at the time of the passing of the Act, it should seem that he would gain a settlement by this hiring and these services (k). The meaning of the 65th section of the Act seems to be, that where the settlement is not gained before the passing of the Act, no service afterwards shall be sufficient for that purpose; but it never was the intention of the Legislature, by this section, to deprive a party of a settlement which he had already acquired. This, however, has been doubted.

Settlement by Apprenticeship.—By sect. 67, after the passing of this Act, no settlement shall be acquired by being apprenticed in the sea service, or to a householder exercising the trade of the seas as a fisherman or otherwise, nor by any person now being such an apprentice, in respect of such apprenticeship.

And by sect. 61, in the case of every parish apprentice hereafter bound, it is required that the justice by whom the indenture is allowed, or any one justice, shall examine and ascertain

(a) 54 Geo. 3, c. 170, s. 2.

(b) Id.

(c) Id. s. 3.

(d) Id.

(e) See 1 Archbold's Poor Laws, 31.

(f) See 1 Arch. P. L. 35.

(g) See 1 Arch. P. L. 38.

(h) Sect. 64.

(i) Sect. 65.

(k) See 1 Arch. P. L. 47.

whether the rules, orders or regulations of the Commissioners, (if any,) which may then be in force, for the binding of poor children apprentices, have been complied with, and shall certify the same at the foot of the indenture and counterpart, in such form as the Commissioners by their rules &c. may direct; and that until so certified, no such indenture shall be valid. In all other respects, the settlement by apprenticeship is as formerly (l).

Settlement by Renting a Tenement is materially altered by the Act. Now, not only must the tenement be rented for a year, at a rent of at least 10*l.* (m), and occupied under such yearly hiring for one year at least by the party hiring the same (n), and 10*l.* at least of the rent paid (o), but by the 66th section of the Act it is enacted, that after the passing of the Act no settlement shall be acquired or completed by occupying a tenement, unless the person occupying the same shall have been assessed to the poor-rate, and shall have paid the same, in respect of such tenement, for one year.

Settlement by Estate.—A material alteration has been introduced as to this mode of settlement. By sect. 68, no person shall retain any settlement gained by virtue of any possession of any estate or interest in any parish, for any longer time than he shall inhabit within ten miles thereof; and in case he shall cease to inhabit within that distance, and shall afterwards become chargeable, he shall be liable to be removed to the parish in which he was settled previously to such inhabitancy, or if he have gained any settlement in some other parish subsequently to such inhabitancy, then to such other parish. This, it should seem, was intended to include only settlements by estate, and not settlements by renting a tenement; for in the latter case the settlement is gained, not merely by the possession of the estate or interest, but also by having hired it at a certain rent for a certain time, and having paid that rent, and by being rated and paying poor-rate for it (p).

Settlement by serving Office can no longer be acquired (q); but such settlements, gained before the passing of the Act, are not affected by it (r).

Settlement by paying Taxes seems now to be merged in the settlement by renting a tenement (s). It is true that the 66th section of this Act, relating to such settlement, requires merely that the party should be rated to and pay the poor-rate; and

- | | |
|--|----------------------------|
| (l) See 1 Arch. P. L. 55. | (m) 6 Geo. 4, c. 57, s. 2. |
| (n) 1 Will. 4, c. 18, s. 1. | (o) See 1 Arch. P. L. 66. |
| (p) See, as to the Settlement by Estate, 1 Arch. P. L. 76. | |
| (q) Sect. 64. | (r) See 1 Arch. P. L. 83. |
| (s) <i>Vide supra</i> . | |

before this Act, a settlement could be acquired by payment of the land tax, &c. (t). But as the stat. 6 Geo. 4, c. 57, s. 2, makes the occupation of the tenement, for which taxes are paid, as much a requisite to the gaining of a settlement as the payment of the taxes, and, by the 66th section of this Act, no settlement shall hereafter be acquired by occupying a tenement, unless the person occupying it shall be assessed to and pay the poor-rate for the same for one year, it would appear that unless such a person be assessed to and pay the poor-rate for the tenement, he cannot gain a settlement; and if he be so assessed and pay, it is immaterial whether he be rated or assessed for any other taxes or rates, or not. Therefore it seems that this mode of acquiring a settlement by payment of taxes, is extinguished, or at least merged in that of renting a tenement.

SECTION 2.

Relief.

The principal alteration made by the statute in the law relating to the relief of the poor, is, that it repeals the stat. 36 Geo. 3, c. 23, 55 Geo. 3, c. 137, ss. 3 and 4, and 59 Geo. 3, c. 12, ss. 2 and 5, which enabled overseers and guardians of the poor, and select vestries, to give money or other relief to poor persons at their own houses, without requiring them to go into the workhouse (a); and substitutes for them a discretionary power, vested in the Commissioners, to declare, by their rules, orders and regulations, to what persons or class of persons, to what extent and for what period, relief shall hereafter be given to able-bodied persons or their families in any particular parish, and whether by payments in money or with food or clothing (b). And the only exceptions to this are, that in united parishes the statute enables two justices to direct relief to be given to persons settled in the parish, who from old age or infirmity of body shall be wholly unable to work, without requiring them to reside within the workhouse (c); and that in cases of sudden and urgent necessity, even in places where the poor are under the management of guardians or a select vestry, the overseer shall give temporary relief, in articles of absolute necessity, but not in money, whether the pauper be settled in the parish or not (d), or justices may order medical relief to be given in such cases (e).

The statute also makes the following alterations and arrangements, of minor importance, upon the subject of relief:—

The stat. 43 Geo. 3, c. 47, directing overseers to give a weekly allowance to the families of militiamen, without requiring them to go into the workhouse, and relieving substitutes and

(t) See 1 Arch. P. L. 85.

(b) Sect. 52.

(d) Sect. 54.

(a) Sect. 53.

(c) Sect. 27.

(e) Id.

volunteers from the liability of maintaining their families, is repealed. (*d*)

The mother of an illegitimate child is now bound to maintain it, as part of her family, whilst she remains unmarried, or until the child attains the age of sixteen (*e*); or if she be unable to do so, and the child becomes chargeable to the parish, the Court of Quarter Sessions, upon application, may make an order on the putative father to reimburse the parish for the maintenance of the child until it shall be seven years old (*f*). If the mother however marry, her husband shall be bound to maintain her children, whether legitimate or illegitimate, as a part of his family, until the age of sixteen, or until the mother die (*g*).

Where relief shall be given by way of loan, the statute gives a mode of attaching the pauper's wages in the hands of his master, until the loan shall be repaid (*h*).

Also, where the relations of poor persons shall be ordered to pay money towards their support, under stat. 43 El. c. 2, s. 7, the statute gives a mode of enforcing it (*i*).

And lastly, parishes are enabled to borrow money, to enable poor persons therein settled to emigrate, according to such rules as the Commissioners may make upon the subject (*k*); and the Exchequer Bill Loan Commissioners are enabled to make advances to them for this purpose, upon the security of the poor-rates (*l*).

In all other respects, the law relating to the relief of the poor is still the same as before the passing of the statute, except that hereafter such relief must be administered subject to the directions and control, and according to the rules, orders and regulations of the Commissioners on the subject (*m*).

SECTION 3.

Removal.

Where a pauper becomes chargeable to a parish, whose place of settlement is elsewhere, an order for his removal may still be obtained, in the same manner, and nearly in the same form, as formerly. But by the 79th section of the Act, the pauper shall not be thereupon removed, in the first instance; a notice in writing of his being chargeable or relieved, together with a copy or counterpart of the order of removal, and a copy of the examination on which such order was made, must first be sent, "by post or otherwise," by the guardians of the poor, or any three of them, or by the overseers, of the parish obtaining the

(*d*) Sect. 60.

(*e*) Sect. 71.

(*g*) Sect. 57.

(*h*) Sects. 58, 59. See 1 Arch. P. L. 7.

(*i*) Sect. 78. See 1 Arch. P. L. 2.

(*l*) Sect. 63.

(*f*) Sect. 72. And see sect. 73—76.

(*k*) Sect. 62.

(*m*) See sect. 15.

order, to the overseers of the parish to whom such order shall be directed; and if within twenty-one days after they are so sent, no notice of appeal be given, the pauper may then be removed; or if the overseers or three of the guardians of the other parish, in the meantime, by writing under their hands, agree to submit to the order and receive the pauper, the pauper may be immediately removed; but if notice of appeal be received within the twenty-one days above mentioned, the pauper shall not be removed until after the time for prosecuting such appeal shall have expired, or (if the appeal be duly prosecuted) until after it has been finally determined (a). As to the expiration of the time for prosecuting the appeal, as above mentioned, it may be right to state, that by the 81st section of the present Act, the appellants are bound to give the respondents a written statement of the grounds of their appeal, fourteen days at least before the commencement of the sessions at which the appeal is to be tried; to which fourteen days should be added a reasonable time for the appellants to ascertain what such grounds of appeal are to be (b). And as it is now holden that, in appeals against orders of removal, it is not necessary to enter the appeal until the sessions at which it is to be tried (c), the time for prosecuting the appeal cannot perhaps be said to have expired until after the sessions at which it might have been tried, calculating and making allowance for the reasonable time to be allowed the appellants before they are bound to give their statement of the grounds of the appeal, and the fourteen days which must elapse between the sending or delivery of such statement and the first day of the sessions.

The following may be the form of the notice:—

“ Parish of St. Mary, Beverley, in the East Riding of the county of York.

“ In the matter of John Nokes, a pauper.

“ To the Overseers of the parish of Southcoates, in the said Riding.

“ Take notice that the above-named John Nokes, lately residing at — in this parish, has, together with Sarah his wife and their five children, become chargeable to the said parish, and that an order of Justices has been duly obtained for their removal to your parish of Southcoates, as their last place of legal settlement, (a copy of which order, and also a copy of the examination on which the same was made, are herewith sent); and take notice, that unless you appeal against the said order, and, within twenty-one days from the date hereof, duly serve notice of such appeal, the said paupers

(a) Sect. 79.

(b) See *R. v. JJ. of Essex*, 1 B. & A. 210.

(c) *R. v. JJ. of Devon*, 8 B. & C. 640, n.; *R. v. JJ. of Southampton*, id. 641, n.; *R. v. JJ. of Kent*, id. 639.

will be removed to your said parish of Southcoates, in pursuance of the said order. Dated this — day of — 1835."

It should be signed by the overseers, or any three of the guardians of the poor of the removing parish. It will be best to date it on the day it is sent; and care should be taken to send it, together with copies of the order and examination, as soon as possible after the making of the order, as the parish will be entitled to be reimbursed only for such relief to the paupers as shall be given after the sending of such notice, and will not be entitled to be reimbursed at all, unless such notice, &c. be given within ten days after the order is made (*d*).

Care should also be taken that the examination shall embrace all the settlements, (if more than one,) that you intend to insist upon, in case there should be an appeal; for at the trial of the appeal, you will not be allowed to go into or give evidence of any other grounds of removal than those set forth in the order or examination (*e*).

The only other alterations made by the statute in the law relating to the removal of the poor are, that an unmarried woman, pregnant of a bastard child, is no longer removeable on that account (*f*); and that stat. 43 Geo. 4, c. 47, s. 8, which rendered the families of militiamen irremovable, whilst receiving allowances under that act from the parish in which they reside, is repealed (*g*).

SECTION 4.

Appeal against an Order of Removal.

Notice of Appeal, &c.] The notice of appeal is the same as formerly; except that, by sect. 81 of the statute, after the 1st day of November next, the overseers, or three or more of the guardians of the poor of the appellant parish, are bound, either with such notice of appeal, or fourteen days at least before the first day of the sessions at which the appeal is intended to be tried, to send or deliver to the overseers of the respondent parish a statement in writing, under their hands, of the grounds of the appeal, otherwise they shall not be heard in support of their appeal. As there may be some doubt whether this 81st section, from the particular manner in which it is worded, does not make an alteration in the time for giving notice of appeal, it will, I think, be prudent, at least until there shall be some decision upon the subject, to make this statement of the grounds of the appeal a part of the notice of appeal; or, if given on a separate paper, that the notice of appeal shall be sent or delivered either before it, or at the same time with it.

If a separate part of the notice of appeal, it may be in the following or a similar form :

(*d*) See sect. 84.

(*f*) ~~See sect. 84.~~

(*e*) See sect. 81.

(*g*) Sect. 60.

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"And that the grounds of such appeal are [that there was in fact no such hiring or service for a year, as in the examination in this case is stated, the said hiring having been two days after Martinmas, to serve until the Martinmas following. And that after the said hiring and the service under the same, namely, about two days before Martinmas 1829, the said John Nokes hired with one J. S. of —, in the parish of —, in the county of —, for one year, until the Martinmas 1830, and served him accordingly. And also that the said John Nokes, after he had so served the said J. S. as last aforesaid, at Christmas 1830, rented a house and garden at —, in the parish of —, in the county of —, from G. H. of that place, at the rent of £10 a year, and occupied the same under such renting or hiring from that time until —, and paid the rent due for the same during the whole of that time:] "so stating all the settlements or other grounds of appeal you intend to insist upon at the trial.] "And take notice, that at the trial of the said appeal, we, on behalf of the said appellant parish, mean to avail ourselves of all or some one or more of the said grounds, in support of the said appeal. Witness our hands this — day of —, 1834."

If it be given on a separate paper, it may be in this form :

"To the Overseers of the Poor of the parish of St. Mary, Beverley" in the East Riding of the county of York.

In the matter of an appeal, wherein

The Parish of Southcoates is the Appellant,
and

The Parish of St. Mary, Beverley, is the Respondent.

Take notice that the grounds of the above appeal are" [see stating them as above.]

It must in both cases be signed by the overseers of the appellant parish, or by three or more of the guardians of the poor, where guardians are appointed for the parish; and it must be sent or delivered to the overseers of the respondent parish, fourteen days at least before the first day of the sessions at which the appeal is to be tried, otherwise the appellants shall not be heard in support of their appeal, as already mentioned; and it (or at least the notice of appeal) must be sent in such time, that the overseers of the respondent parish may receive it within twenty-one days from the sending of the notice of chargeability, and copies of the order of removal and examination before mentioned, otherwise the pauper may be removed (a).

And care must be taken that it contain all the grounds of appeal that you intend to insist upon at the trial, and which are not likely to be deemed frivolous and vexatious (b), for you will

(a) See ante, p. 6.

(b) See sect. 83.

Introduction.—Appeal against Order of Removal. 9

not be allowed to go into or give evidence of any grounds of appeal not set forth in this statement (c). And these grounds should, I think, be stated with sufficient certainty as to time, place, names, facts, &c. as far as lies in the power of the appellants, from the evidence in their possession, so as to enable the respondents to ascertain the truth of them before the trial. This seems to have been the intention of the legislature in the above section. A variance, however, between this statement and the proofs at the trial, in some particular that could not have misled the respondents, would not, it should seem, be deemed material. On the other hand, care must be taken, if possible, not to include any cause of appeal which may turn out to be frivolous or vexatious; as in such a case the appellants may probably be ordered to pay the respondents their costs occasioned by such cause of appeal, even although the order be quashed (d).

Proceedings as the Hearing.] No alteration has been made in these, by the statute, except perhaps in requiring some little addition in the evidence. In such cases, the respondents should in prudence come prepared to prove the examination upon which the order of removal was made; for as the statute (e) provides that they shall not go into or give evidence of any other ground of removal than that stated in the order or examination, and nothing being stated in the order of removal except the general ground that the pauper became chargeable to the removing parish, and that his last place of settlement was the appellant parish, the Court may possibly expect the respondents to put this examination in evidence, as the foundation of their case. And on the other hand, the appellants, if they wish to confine the respondents to the settlement stated in the examination, should give them notice to produce the original, and should at the trial be prepared to prove service of the notice, and the receipt of the copy of the examination; and then if the respondents do not produce the original examination, the appellants may put in and prove the copy.

On the part of the appellants, it must be proved that they sent or delivered to the overseers of the respondent parish, such a statement of the grounds of appeal as is required by the statute, otherwise they cannot be heard in support of the appeal (f). In prudence perhaps, in order to guard against any decision of the Court of Quarter Sessions to the contrary, it may be well also for the respondents to be prepared to produce this statement, and with evidence of the receipt of it, in order to prevent the appellants from going into proof of any other cause of appeal than those which are stated in it.

(c) Sect. 81.

(e) Sect. 81.

(d) See sect. 83, and post.

(f) See sect. 81.

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The other evidence and proceedings at the trial, are the same as formerly (g).

Costs.] First, as to the costs of the appeal. By the 82d section of the Act, the Court, before whom the appeal shall be tried, may, if they think fit, order and direct the parish against which the same shall be decided, to pay to the other such costs as may to such Court appear just and reasonable, and shall certify the amount thereof. This is certainly not compulsory on the sessions to grant costs. The stat. 8 & 9 W. 3, c. 30, s. 3, upon the same subject, was worded in a much stronger manner than this (h); and under that statute, there was a great diversity in the practice of the different Courts of Quarter Sessions in the kingdom,—some allowed costs in all cases, others in particular cases only, others not at all; and the present section does not seem likely to be more successful in creating uniformity in this respect. The certificate required by the above section of the Act cannot, it should seem, form a part of the order of sessions on the appeal, but should be a distinct and separate instrument; as by the above section it must be produced and shown to the overseer, at the time the costs are demanded, and before payment of them can be enforced. As to the manner of enforcing payment of these costs, see sect. 82. The certificate above mentioned may be in this or the like form:

“ Court of Quarter Sessions holden in and for the East Riding of the County of York, at Beverley, in the said Riding, on ———.

In an appeal against an order of removal, tried at these sessions, wherein the churchwardens and overseers of the poor of the parish of Southcoates were the appellants, and the churchwardens and overseers of the poor of the parish of St. Mary, Beverley, were the respondents, and wherein this Court adjudged and ordered, amongst other things, that the said respondents should pay unto the said appellants their costs, occasioned by prosecuting the said appeal. It is hereby certified that the said costs amount to the sum of ———.

*By the Court,
A. B. Chairman.”*

2. By sect. 83, if either party shall have included in the order or statement, sent as hereinbefore directed (i), any grounds of removal or appeal which shall in the opinion of the justices determining the appeal be frivolous and vexatious, such party shall be liable, at the discretion of the said justices, to pay the whole or any part of the costs incurred by the other party, in disputing any such grounds. The order and statement here mentioned, mean the order of removal, and the statement of the

(g) See 1 Arch. P. L. 20.

(h) See Arch. P. L. 24.

(i) See ante, p. 5, 6, 7.

grounds of appeal. It is remarkable that the order, and not the examination, is mentioned here as containing the grounds of removal. But the order, as already mentioned, merely states them generally, namely, that the pauper has become chargeable to the removing parish, and that the parish to which he is ordered to be removed is his place of settlement; the examination, on the other hand, states the grounds particularly, namely, the particulars of the pauper's settlement in the appellant parish. As the section stands, therefore, it should seem that the justices have no authority to allow to the appellants the costs they may have been put to, by any frivolous and vexatious ground of removal stated in the examination, and perhaps not proved or noticed at the trial, but which the appellants may have come prepared to disprove. As to the order of removal, if the ground of removal therein stated be frivolous and vexatious, the appellants are entitled to judgment upon the appeal; and the Court may award them costs under the former section. In the following observations, therefore, we shall confine our attention to cases where costs are awarded for some frivolous and vexatious ground of appeal contained in the appellant's statement.

If the respondents succeed in the appeal, and the Court are of opinion that part of the statement of the grounds of the appeal was frivolous and vexatious, if the Court in such a case give the respondents costs generally, it does not seem necessary to award costs specifically for this frivolous and vexatious statement, because they are included in the costs of the appeal. But if the Court do not give the respondents the general costs of the appeal, but merely give them the costs occasioned by some part of the statement of the grounds of appeal, which they hold to be frivolous and vexatious, the award of these costs may be inserted in the judgment and order of sessions in this or the like form: after stating that the order is confirmed,—

“ And because it appears to the justices here, and they are of opinion, that so much of the statement of the grounds of appeal in this case, delivered by the said appellants to the said respondents, as relates to [a supposed settlement which the said J. N. is therein alleged to have gained in —,] is frivolous and vexatious, it is therefore ordered that the said appellants shall pay to the said respondents the sum of —, for their costs by them incurred in disputing the said ground of appeal.”

If the appellants succeed upon the appeal, but the Court award the respondents costs occasioned by some part of the grounds of appeal which was frivolous and vexatious,—if in such a case the Court do not give the appellants the general costs of the appeal, the award of the respondents' costs may be in the above form. But if the Court award the appellant the general costs of the appeal, it seems that the one set of costs may be set off against the other, and the balance only shall be ordered to be paid; in which case the order of sessions, after quashing the

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order of removal, may go on to award the costs, in this or the like form :

" And that the said appellants do recover against the said respondents £—, for their costs incurred by them in prosecuting the said appeal. But because" [&c. as in the above form, to the words] "frivolous and vexatious, it is therefore ordered that the said respondents shall recover against the said appellants £—, for their costs by them incurred in disputing the said ground of appeal, to be deducted from the costs first aforesaid ; and that the said respondents do pay unto the said appellants the sum of —, being the balance, after deducting the said respondents' costs from the said costs of the said appellant as aforesaid."

3. As to the costs of maintenance : If the appellants do not give notice of appeal within twenty-one days after the notice, order and examination are sent to them, as already mentioned (*k*), and the pauper is therefore removed ; but the appellants afterwards, and in due time before the sessions, give notice of appeal, bring it to trial, and obtain judgment, they will be entitled to the costs of maintenance, in precisely the same cases as formerly ; there is nothing in the present Act which prevents it.

4. As to the respondents' costs of relief : If the respondents succeed in the appeal, they will be entitled to the cost and expense of their relief and maintenance of the pauper, from the time they sent the notice, order and examination, as before mentioned, provided such notice, &c. were sent within ten days after the making of the order of removal ; otherwise not (*l*).

(*k*) *Ante*, p. 5, 6.

(*l*) Sect. 84.^m

CHAPTER II.

THE MANAGEMENT OF THE POOR.

SECTION 1.

Officers, &c. appointed for the Management of the Poor.

Commissioners.] Three Commissioners, styled "The Poor Law Commissioners for England and Wales," are appointed, for the purpose of carrying the Act into execution; and they or any two of them may sit as a Board of Commissioners for that purpose (a). They may appoint a secretary, assistant secretary, and such clerks, messengers and officers, as they shall deem necessary (b). They may also appoint Assistant Commissioners, (not exceeding the number of nine, unless with the consent of the Lord High Treasurer, or of any three or more of the Commissioners of the Treasury,) to act at such places and in such manner as they shall direct (c); and may delegate to them such of their own powers (except that of making general rules) as they shall think fit (d).

Most extensive powers are given to this Board of Commissioners by the Act. The whole administration of relief to the poor throughout England and Wales is hereafter to be subject to their direction and control; and for this purpose they are authorized to make rules, orders, and regulations, for the management of the poor,—for the government of workhouses,—for the education of the children therein,—for the management of poor parish children, under stat. 7 Geo. 3, c. 39, and for superintending, inspecting, and regulating the houses in which they are kept and maintained,—for apprenticing the children of the poor,—for the guidance and control of all guardians, vestries, and parish officers, so far as relates to the management or relief of the poor, and the making and entering into contracts in all matters relating to the same, and the keeping, examining, auditing, and allowing of accounts,—and generally for carrying the Act into execution in other respects, as they shall think proper; and they may suspend, alter, or rescind these rules, &c. at their discretion (e). The only seeming limitation of their power in these respects is, that they shall not interfere in any

- (a) Sect. 1, 2.
 (c) Sect. 7.
 (e) Sect. 15.

- (b) Sect. 9.
 (d) Sect. 12.

individual case for the purpose of ordering relief (*f*); and that they shall make no rule, &c. which will have the effect of compelling the inmates of workhouses to attend a mode of worship contrary to their religious principles, or of causing children to be educated in such workhouses in any religious creed to which their parents may object (*g*). These rules, orders, and regulations appear to be of two kinds: general rules, &c., intended to affect all the parishes or unions in the kingdom, or at least some two or more of them (*h*), and particular orders, &c., as applicable to individual cases in some one parish or union. All general rules must first be submitted to one of the Secretaries of State, forty days before they come into operation; within which time, or indeed at any time after, the King with the advice of his Privy Council may disallow them (*i*); and fourteen days before they come into operation in any parish or union, written or printed copies of them must be sent to the overseers or guardians of the poor there, and to the clerk to the justices of the petty sessions for the division in which such parish or union is situate, who shall give publicity to them in such manner as the Commissioners shall appoint, allow them to be inspected, and give copies of them when required (*k*). The disallowance or revocation of any such rule is to be notified, &c. in the same manner (*l*). And all rules, orders, or regulations of the Commissioners, to be valid, must be sealed with the seal of the board (*m*). As to the removal of any of these rules, orders, or regulations into the Court of King's Bench by *certiorari*, to have their validity there determined, regulations are made upon the subject (*n*). The Act also assigns a penalty for disobeying any of these rules, &c., or the rules, &c. of the Assistant Commissioners, and for any contempt of the Commissioners as a board (*o*). All general rules are to be submitted to Parliament, by one of the Secretaries of State, at the beginning of every session (*p*).

The Commissioners by their order may declare so many parishes, as they think fit, to be united, for the administration of the laws for the relief of the poor; and such parishes shall thereupon be deemed a union for such purpose, and the workhouse there shall be for their common use (*q*).

The Commissioners, with the consent in writing of the majority of the guardians in a union, or a majority of the ratepayers and owners in a parish, not having a workhouse, may order one to be built (*r*); and money borrowed for that purpose

(*f*) Sect. 15.

(*h*) See sect. 42.

(*k*) Sect. 18. 20.

(*m*) Sect. 3.

(*o*) Sect. 99.

(*q*) Sect. 26. See post.

(*g*) Sect. 19.

(*i*) Sect. 16.

(*l*) Sect. 18.

(*n*) See sect. 105, 106, 107, 108.

(*p*) Sect. 17.

(*r*) Sect. 23.

may be charged upon the rates (*s*). Or, where there is already a workhouse, the Commissioners may order it to be enlarged or altered, without such consent, if the sum required for this purpose will not exceed 50*l.*, or a tenth of the year's rate(*t*). And all powers under other statutes relating to workhouses, may be exercised by the persons to whom they are therein given, but under the control, and subject to the rules, orders, and regulations of the Commissioners(*u*). The Commissioners also are to make rules, orders, and regulations to be observed hereafter in workhouses already built or hereafter to be built(*x*); or if any bye-laws or rules be hereafter made under stat. 22 Geo. 3, c. 83, as to workhouses, &c., they must first be approved of and confirmed by the Commissioners(*y*).

The Commissioners are authorized to summon persons before them, and examine them on oath, in matters connected with or relating to the administration of the laws for the relief of the poor; to require answers or returns in such matters, and to enforce the production on oath of books, accounts, contracts, &c., not being writings relating to the title of lands which are not the property of any parish or union(*z*). So, the Commissioners may require all persons in whom property is vested in trust for the poor of any parish, or who are in the receipt of the rents or profits of such property, detailed particulars of the same, and of the manner in which it is appropriated(*a*). They may also attend all parochial and other local boards or vestries, and take part in the discussions there, but shall not vote(*b*).

They must make a record of their proceedings in a particular way mentioned in the statute, and submit the same to one of the Secretaries of State once a year, or oftener, if required(*c*); and once a year also they shall make a general report to the Secretary of State, who shall lay the same before Parliament(*d*). And at all times they must furnish to any of the principal Secretaries of State such information relating to their proceedings as he may require(*e*).

Assistant Commissioners.—The Commissioners may appoint Assistant Commissioners, to act at such places and in such manner as they shall direct; the number not to exceed nine, unless the Lord High Treasurer, or three or more of the Commissioners of the Treasury, shall consent to the appointment of a greater number(*f*).

(*s*) Sect. 24.

(*u*) Sect. 21.

(*y*) Sect. 22.

(*a*) Sect. 85.

(*c*) Sect. 4.

(*e*) Sect. 6.

(*t*) Sect. 25.

(*x*) Sect. 42.

(*z*) Sect. 2, and see also sect. 13, 14.

(*b*) Sect. 21.

(*d*) Sect. 5.

(*f*) Sect. 7.

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The Commissioners may delegate to them any of their own powers, (except that of making general rules), and may revoke and alter the powers so delegated as they may think fit (*g*). But the orders and regulations of the Assistant Commissioners shall not be in force until they have been adopted by the Commissioners and sealed with their seal, after which they shall be considered as made by the Commissioners (*h*). As to the removal of any of their orders or regulations into the Court of King's Bench by *certiorari*, see *sect.* 105—108.

The Assistant Commissioners are authorized to summon persons before them, to examine them on oath on any question or matter relating to the poor or to their relief, and to enforce the production of any papers relating to the same, not involving the title to any lands, &c. which are not the property of any parish or union (*i*). They may also attend all parochial or other local boards or vestries, and take part in the discussions there, but shall not vote (*k*).

Guardians.—By stat. 22 Geo. 3, c. 83, parishes were allowed to elect guardians, for the purpose of governing the workhouse and administering the relief to the poor. They had nothing to do with the collecting of the rate; that was collected by the overseers, who from time to time paid to the guardians the sums necessary to defray the expenses of the workhouse, &c. By that act also, parishes might unite for the purpose of maintaining their poor, and have a common workhouse; in which case one guardian was appointed for each parish, and all collectively had the ordering and management of the poor; the overseers of the different parishes of the union made and collected the rates within their respective parishes, and from time to time paid to the treasurer of the union the proportionate sums which their respective parishes were bound to contribute to the general expenditure of the union.

This plan is in a great measure adopted by the present Act. Where parishes hereafter are united by order of the Commissioners, one or more guardians for each parish shall be elected in the manner prescribed by the Act, and the Commissioners shall appoint their duties (*l*). Also, if the Commissioners think fit, they may direct that the laws for the relief of the poor of any single parish, shall be administered by a board of guardians, to be elected, &c. in like manner (*m*).

And in all places where the poor are under the management of guardians or a select vestry, the ordering, giving, and directing of all relief to the poor shall belong to such guardians or select

(*g*) Sect. 12.

(*i*) Sect. 12, and see sect. 13, 14.

(*l*) Sect. 38. 40.

(*h*) Sect. 20.

(*k*) Sect. 21.

(*m*) Sect. 39.

vestry alone ; and no overseer shall give other or further relief, than shall be ordered by such guardians or select vestry, except in cases of sudden and urgent necessity, in which cases he shall give such temporary relief as each case may require, in articles of absolute necessity, but not in money, and this whether the persons to be relieved reside in the parish or not ; also a justice of peace may make an order for medical relief to a parishioner, in any case of sudden and dangerous illness which may require it (n).

Overseers.—In parishes or unions, where the poor are under the management of guardians or a select vestry, the overseers have nothing to do with the relief of the poor, unless they have a particular order from the guardians to do so in some individual case(o). There are only three exceptions to this : first, in cases of sudden and urgent necessity, in which case the overseer must give relief to the party (whether settled in the parish or not), in articles of absolute necessity, but not in money(p); secondly, he must obey an order of a justice of peace, in procuring medical relief for a parishioner, in a case of sudden and dangerous illness(q); and thirdly, in parishes united under this Act, the overseer must obey the order of two justices for the relief of any adult person, who from age or infirmity of body is wholly unable to work, without requiring him to reside in the workhouse, the order containing a certificate of one of the justices, of his own knowledge, that the person is wholly unable to work(r). And if any overseer disobey the orders of guardians or justices, in carrying the rules, &c. of the Commissioners and the provisions of this Act into execution, he shall forfeit on conviction a sum not exceeding 5*l.*(s). It is the duty of the overseers, however, to make and collect the rate, and to pay over to the guardians or the treasurer of a union from time to time, such sums as they may require for the maintenance of the poor persons in the workhouse, subject of course to the control of the Commissioners.

In parishes not under guardians or a select vestry, the whole management of the poor, as well as the making and collecting of rates, devolves upon the overseers, subject of course to the control and direction of the Commissioners.

Besides their usual annual accounts, they must account quarterly to the guardians, &c.; or where no guardians, &c. are appointed, to the justices at their petty sessions(t).

(n) Sect. 54.

(p) Id.

(r) Sect. 27.

(t) Sect. 47.

(o) See sect. 54.

(q) Id.

(s) Sect. 95, and see sect. 96.

Overseers shall keep a register of all persons receiving relief out of the workhouse (u).

Overseers purloining, embezzling, or wilfully wasting or misapplying the goods, &c. of the parish, shall on conviction forfeit a sum not exceeding 20*l.* and treble the value of the goods, &c.(z).

Paid Officers..]—The Commissioners may direct the overseers or guardians of any parish or union to appoint such paid officers as the Commissioners may think necessary, for superintending or assisting in the relief and employment of the poor, auditing the accounts, &c.; and the Commissioners may define and specify their duties(y).

If they have the collection, receipt, or distribution of the monies, goods, &c. of the parish, they must account quarterly with the guardians, &c., or if no guardians &c. appointed, to the justices in petty sessions(z).

They may be ordered by the Commissioners to keep a register of the persons receiving relief in the workhouse (a).

If they disobey the orders of guardians or justices, in carrying the rules, &c. of the Commissioners and the provisions of this Act into execution, they shall forfeit on conviction a sum not less than 5*l.*(b); and the Commissioners may remove them from their office for this, or for incompetency to discharge the duties of their office(c).

Purloining, embezzling, or wilfully wasting or misapplying the goods, &c. of the parish, penalty not exceeding 20*l.* and treble the value of the goods, &c.(d).

Justices of the Peace.

I cannot class justices of the peace among the officers appointed for the management of the poor. But in writing upon this subject, I ought not to omit to notice the duties remaining to justices of the peace with relation to the poor laws; and I shall enumerate them very shortly.

1. As to their authority to order relief to paupers: In parishes or unions under the management of guardians or a select vestry, they can no longer order relief in ordinary cases(e); they can only do so in the three following instances: first, if in a case of sudden and urgent necessity, the overseer refuse or neglect to give such temporary relief as the case may require; in articles of absolute necessity, but not in money, to a poor person not

(u) Sect. 55.

(y) Sect. 46.

(u) Sect. 55.

(c) Sect. 48.

(e) Sect. 54.

(z) Sect. 97.

(z) Sect. 47.

(b) Sect. 95.

(d) Sect. 97.

settled nor usually residing in the parish, any one justice of the peace may order him to do so (f). Secondly, a justice of peace may give a similar order for medical relief only, to any parishioner or "out-parishioner," where any case of sudden and dangerous illness may require it (g). Thirdly, where parishes are united under this Act, for the maintenance of the poor, any two justices for the district in which such union is situate, may order relief to be given to any adult person, who from old age or infirmity is wholly unable to work, and who shall desire to receive relief out of the workhouse, one of such justices certifying in the order, of his own knowledge, that such person is wholly unable to work (h). But in parishes which are not united, and which are not under the management of guardians or select vestries, I see nothing in the Act to prevent justices from making orders of relief as formerly, at least, until some rule of the Commissioners shall be made to the contrary; except that in parishes where there is a workhouse, they cannot order relief to be given to paupers at their own homes, whether in employ or not, but according to the rules to be made upon that subject by the Commissioners (i).

2. Where relief is given by way of loan, a justice of peace, upon application of the overseers or guardians of the poor, may by summons require the pauper and his master to appear before him, and may order the master to pay to such overseers or guardians the whole or part of the pauper's wages due or to become due in liquidation of such loan, and may enforce the payment of it (k).

3. The authority of justices as to orders of removal, and appeals against them, is not affected by the Act.

4. In all parishes or unions under the management of guardians, all justices of peace residing therein, and acting as such for the county, riding, or division in which the same is situate, are *ex officio* guardians of the poor in such parishes or unions; and until the other guardians shall be elected, they shall carry into effect the rules, orders, and regulations of the Commissioners; and after such election, they may still continue to act, if they think fit (l).

5. Besides the authority given to justices by stat. 30 Geo. 3, c. 49, of visiting workhouses, they may also visit, inspect, and examine them, for the purpose of ascertaining whether such rules, orders, and regulations of the Commissioners as are to be observed and enforced in such workhouses, are duly observed and obeyed therein; and if not, the party offending may be fined, upon conviction before two justices (m).

(f) Sect. 54.

(h) Sect. 27.

(k) Sect. 39.

(m) Sect. 43.

(g) Id.

(i) See sect. 52.

(l) Sects. 26, 28.

SECTION 2.

Union of Parishes.

The stat. 9 Geo. 1, c. 7, s. 4, first allowed parishes and townships to unite in having a workhouse in common, for the purpose of maintaining and employing their poor there, if the major part of the parishioners or inhabitants of such parishes, &c. respectively, at a vestry or meeting assembled for the purpose, should consent to it, and a justice of peace should approve of it. The stat. 22 Geo. 3, c. 83, which introduced many improvements in the management of the poor in workhouses, also allowed parishes, &c. to unite for the same purpose, if two-thirds in number and value of the owners or occupiers of lands, &c. within such parishes, &c. should think fit, and two justices of the peace should approve of it. By those acts such union could be effected only with the consent of the parishioners or inhabitants. But by the present Act, the Commissioners, without any such consent, may order any parishes they may think fit to be united for the administration of the laws for the relief of the poor; and such parishes shall thereupon be deemed a union for that purpose, and the workhouse or workhouses of those parishes shall be for their common use (a). Each parish however shall be separately chargeable with the expense of its own poor, whether relieved in or out of the workhouse (b). The Act then states the manner in which the Commissioners are to determine the proportions in which these parishes respectively are to contribute to the expense of building and maintaining the workhouse, paying the officers, providing utensils and materials for setting the poor to work, and all other expenses on the common account of all the parishes of the union (c). No union shall hereafter take place, under stat. 22 Geo. 3, c. 83, without the consent of the Commissioners (d).

And the Commissioners, with the concurrence of two-thirds of the guardians of any union, created either before or since the passing of this Act, may dissolve such union, or separate any parish or parishes from it, or add others to it (e).

In any union already formed or hereafter to be formed, the guardians of the different parishes comprised in it may agree (subject to the approval of the Commissioners) that, for the purposes of settlement, such parishes shall be considered as one parish; after which, persons settled in any of the parishes, shall (as between those parishes) be deemed to be settled in the union, and shall be relieved out of its general funds, and the

(a) Sect. 26.

(c) Sect. 28, 29, 30.

(e) Sect. 32.

(b) Id.

(d) Sect. 37.

costs of litigating settlements shall also be defrayed out of such general fund (f).

And, lastly, when the parishes comprised in any union shall be situate within the same county, &c. and under the jurisdiction of the same justices of peace, the guardians of such respective parishes may agree (subject to the approval of the Commissioners) that, for the purpose of raising in common the necessary funds for the relief of the poor of such union, such parishes shall be considered one parish (g); and thereupon a new valuation of the rateable property in such parishes shall be made (h). After which, the proportions in which each parish was to contribute to the common expenses shall cease, and the expenditure for the poor shall be in common (i).

SECTION 3.

Workhouses.

Workhouses, or Houses of Industry, as formerly they were sometimes termed, were first established in pursuance of stat. 9 Geo. 1, c. 7. By that statute, parishes were enabled to provide such houses, or two or more parishes might join in doing so, and might contract with persons for the maintenance and labour of the poor therein. By stat. 22 Geo. 3, c. 83, in parishes or unions which chose to adopt the provisions of it, workhouses were put upon a new footing under the management and superintendence of parish officers: guardians were appointed for the general management of the poor, in and out of the house; a master or governor of the workhouse was appointed, for the purpose of maintaining and employing the poor in the house, under the direction and control of the guardians; other necessary officers and servants were also appointed; and a visitor appointed, to see that the master or governor and servants did their duty, to enforce the rules by which the house was to be governed, and to adjust the accounts, &c. Besides which, by stat. 30 Geo. 3, c. 49, justices were enabled to visit workhouses; and if they found any ground of complaint, either as to the state of the workhouse or the condition of the poor therein, they might certify the same to the next quarter sessions, and summon the governor or the overseers to attend there; and that Court, on hearing the parties, might make such orders and regulations as they might deem necessary, for removing the cause of complaint.

By the present Act, the Commissioners, with the consent of the majority of the guardians in a union, or a majority of the rate-payers and owners in a parish, not having a workhouse,

(f) Sect. 33.

(h) Sect. 35.

(g) Sect. 34.

(i) Sect. 36.

may order one to be built (*a*) ; and the money raised for the purpose may be charged upon the rates (*b*). Or, where there is already a workhouse, the Commissioners may order it to be enlarged or altered, without such consent, where the sum required for the purpose will not exceed £50, or a tenth of the year's rate (*c*). All powers under other acts relating to workhouses may be exercised by the persons to whom they are therein given, but under the control, and subject to the rules, orders and regulations of the Commissioners (*d*).

One defect in the former system was, that parishes were not bound to have a workhouse ; it was optional with them whether they would have one or not. And in strictness it is so still ; but in substance the defect is remedied in the present Act ; for if a parish now refuse to have a workhouse built, the Commissioners may order them to be united to another parish which has one, and they thereby become liable to contribute to all the expenses of it.

The Commissioners may make rules, orders and regulations to be observed and enforced in workhouses already built or hereafter to be built, for the government thereof, the preservation therein of good order, the nature and amount of the relief to be given, and the labour to be exacted from the parties relieved ; and they may at any time suspend, alter, or rescind the same (*e*). But no rule shall be made to oblige an inmate of a workhouse to attend any religious service contrary to his religious principles, nor authorize the education of any child therein in a religious creed to which the parents may object (*f*). Nor can any bye-laws or rules be hereafter made as to workhouses, under stat. 22 Geo. 3, c. 83, without being first approved of and confirmed by the Commissioners (*g*).

So much of stat. 6 Geo. 4, c. 80, as related to the bringing of spirits into workhouses, is repealed, and other regulations made upon the subject (*h*).

Dangerous lunatics or idiots are not to be detained in any workhouse longer than fourteen days (*i*).

Besides the authority given to justices to visit workhouses, by stat. 30 Geo. 3, c. 49, as above mentioned, they may also visit, inspect, and examine them, for the purpose of ascertaining whether such rules, orders and regulations of the Commissioners, as are to be observed and enforced in such workhouses, are duly observed and obeyed therein ; and if not, the party offending may be fined, upon conviction, before two justices (*k*).

(*a*) Sect. 23.

(*b*) Sect. 24, and see sect. 63.

(*c*) Sect. 25.

(*d*) Sect. 21.

(*e*) Sect. 42, and see sect. 15.

(*f*) Sect. 19.

(*g*) Sect. 22.

(*h*) Sect. 83, 84.

(*i*) Sect. 45.

(*k*) Sect. 43.

The master or governor of the workhouse must keep a register of the persons relieved in it (*l*). He must not order or allow spirits or fermented liquors to be brought into the workhouse, nor be guilty of any misbehaviour or misconduct towards the paupers, under a penalty not exceeding £20 (*m*). If he wilfully disobey the orders of justices or guardians, in carrying the rules &c. of the Commissioners, and the provisions of this Act into execution, he is subject to a penalty not exceeding £5 (*n*). So, if he purloin, embezzle, wilfully waste or misapply the monies or goods of the parish, he will be liable to a penalty not exceeding £20, and treble the amount or value of the money or goods (*o*). And lastly, the Commissioners, if they find masters of workhouses unfit for their duties, or that they have refused or wilfully neglected to carry their rules &c. into effect, may dismiss them from their offices (*p*).

Contracts made by any parish or union, relating to the management &c. of the poor, shall not be valid, unless in conformity with the rules &c. of the Commissioners (*q*). The stat. 43 Geo. 3, c. 54, on this subject, is repealed (*r*); but the penalty imposed by stat. 55 Geo. 3, c. 157, on persons having the management of the poor being concerned in any such contracts, is extended to Commissioners and other officers appointed under and by virtue of this act (*s*). Also, no parish officer, for his own profit, shall supply goods ordered to be given as relief, under a penalty not exceeding £5, half to the informer, and half in aid of the poor-rates (*t*).

(*l*) Sect. 55.

(*n*) Sect. 95.

(*p*) Sect. 48.

(*r*) Sect. 50.

(*t*) Sect. 77.

(*m*) Sect. 93.

(*o*) Sect. 97.

(*q*) Sect. 49.

(*s*) Sect. 51.

CHAPTER III.

BASTARDY CASES.

An order of filiation can no longer be made with respect to any illegitimate child born after the passing of the Act; nor can either the putative father or mother be punished in respect of it (a). But if the mother be unable to maintain it, and it therefore become chargeable to the parish, the overseers or guardians of the parish, or guardians of any union in which such parish is included, after making diligent inquiry as to the putative father, (and having given fourteen days' previous notice to him of the intended application,) may apply to the next Court of Quarter Sessions for an order upon him to reimburse such parish or union for its maintenance and support (b). And a justice of peace may, at the instance of the overseers or guardians, summon him; and if such justice be satisfied that he intends to abscond, he may require him to enter into recognizance to appear and answer, or in default thereof may commit him to the gaol or house of correction until he does so, or until the application shall be heard (c). The following may be the form of the notice:—

Whereas Ann Styles, single woman, was on the — day of — last delivered of a male bastard child ; and the said child, on the — day of — last, by reason of its said mother being unable to provide for its maintenance, became chargeable to the parish of —, and from thence hitherto has been maintained and supported by the said parish. And whereas we the undersigned, being the overseers of the poor of the said parish, [or “ the guardians of the poor of the said parish,” or “ the guardians of the union in which such parish is situate,”] have made diligent inquiry as to the father of the said child, and find that you John Nokes are the father of the same : therefore take notice, that at the next general Quarter Sessions of the Peace, to be holden for the county of — within which such parish is situate, we, as such overseers of the poor of the said parish, intend to make application to the Court at the said Sessions, for an order upon you John Nokes to reimburse the said parish for the maintenance and support of the said child. Given under our hands this — day of — 1834.

To John Nokes, of ———, labourer.

(a) Sect. 69, 70.
(c) Sect. 75.

(b) Sect. 72.

Care must be taken that the notice be signed by the overseers, or by the guardians where guardians are appointed; and it may be prudent to have it signed by all, until by some case it shall be decided that it is sufficient if signed by a majority of them. In a recent case, (*R. v. JJ. Carnarvon, B. R., T. 1835, M. S.,*) where it appeared that the copy of the notice, which was put in evidence at sessions in order to prove a service of the notice, had not the names of the overseers subscribed to it, the Court of King's Bench held that the sessions were warranted in dismissing the application for this defect.

If the putative father appear at the sessions, (or indeed whether he do or not (d)), the Court, on proof of the notice, may proceed to hear the evidence. To support the application, the overseers will first have to prove the service of the notice; they must then prove that the child was born a bastard, that the mother was not able to support it, that it became chargeable, and the amount expended in its maintenance, and that the party to whom notice was given is the father of it. This last part of the evidence is the only part generally in which the parish officers will experience much difficulty, as this often depends very much upon the testimony of the mother; and it is provided by the statute (e), that unless the evidence of the mother shall be corroborated in some material particular by other testimony to the satisfaction of the Court, no order shall be made.

If the Court, however, be satisfied that the party charged is "really and in truth" the father of the child, it shall make such order upon him as shall appear to them to be "just and reasonable under all the circumstances of the case, not exceeding the actual expense incurred or to be incurred for the maintenance" of the child; and such order shall continue in force only until the child shall attain the age of seven years (f).

The form of the order of sessions may be as follows:—

1. *Form of an order of bastardy where the putative father appears at the sessions:*

Court of General Quarter Sessions of the Peace, holden in and for the East Riding of the county of York, at Beverley in the said Riding, on

Whereas the overseers of the poor of the parish of Seaton Ross, in the said Riding, having given due notice to John Nokes of their intention to apply to the Court here at these sessions for an order upon him the said John Nokes, as the putative father of a certain male bastard child, of which one Jane Styles was then lately delivered, and which had then lately become chargeable to the said parish, to reimburse the said parish for the maintenance and support of the said child; and the said overseers having now made such application accordingly, and the said John Nokes being at

(d) Sect. 74.

(e) Sect. 72.

(f) Sect. 72, and see sect. 73.

the same time here present, and it having now been duly proved to the Court here in the presence and hearing of the said John Nokes, that the said child was, on the — day of — last past, at the parish of Seaton Ross aforesaid, born a bastard of the body of the said Jane Styles, and that the said child, on the — day of —, by reason of the inability of its said mother to provide for its maintenance, became, and from thence hitherto hath been and still is, chargeable to the said parish of Seaton Ross, and that the said John Nokes is the father of the said child: The Court here, having heard the evidence in this behalf adduced, and having heard the said parties, are satisfied of the facts aforesaid, and that the said John Nokes is really and in truth the father of the said child; and it appears to the Court here to be just and reasonable, under all the circumstances of the case, that the said John Nokes should pay unto the overseers of the poor of the said parish of Seaton Ross for the time being, such sum or sums of money as they have expended, and also such sums as they may from time to time hereafter expend, for the maintenance and support of the said bastard child, not exceeding the sum of — per week. The Court here, therefore, do now hereby order that the said John Nokes do pay unto the overseers first aforesaid the sum of — by them expended for the maintenance and support of the said child from the — day of — aforesaid, when the said child first became chargeable as aforesaid, to the present day; and do also pay unto the overseers of the poor of the said parish of Seaton Ross for the time being, weekly and every week, from henceforth until the said child shall attain the age of seven years, (if the said child shall so long live and continue to be chargeable to the said parish,) such sum and sums of money as shall be weekly expended by or on behalf of the said parish for the maintenance and support of the said child during the time last aforesaid, not exceeding the sum of — in each and every week.

2. The like form where the putative father does not appear:

Court of General Quarter Sessions of the Peace, holden in and for the East Riding of the county of York, at Beverley in the said Riding, on

Whereas the overseers of the poor of the parish of Seaton Ross, in the said Riding, having given due notice to John Nokes of their intention to apply to the Court here, at these sessions, for an order upon him the said John Nokes, as the putative father of a certain male bastard child, of which one Jane Styles was then lately delivered, and which had then lately become chargeable to the said parish, to reimburse the said parish for the maintenance and support of the said child; and the said application being now made accordingly, and the same coming on now to be heard before the Court here, according to the said notice, and it being now duly proved to the Court here that fourteen days' notice of the said application, under the hands of the said overseers, was duly given to the said John Nokes, the said John Nokes being now called, and not

appearing either by himself or his attorney, the Court here nevertheless proceed to hear the said application, in pursuance of the statute in that case made and provided; and it being now duly proved to the Court here that the said child was, on the — day of — last past, at the parish of Seaton Ross aforesaid, born a bastard of the body of the said Jane Styles, and that the said child, on the — day of — last past, by reason of the inability of its said mother to provide for its maintenance, became, and from thence hitherto hath been and still is, chargeable to the said parish of Seaton Ross, and that the said John Nokes is the father of the said child: The Court here, having heard the evidence in this behalf adduced, and having heard the said overseers, are satisfied of the facts aforesaid, and that the said John Nokes is really and in truth the father of the said child; and it appears to the Court here to be just and reasonable, under all the circumstances of the case, that the said John Nokes should pay [&c., as in the last form to the end].

If, after the order is made, the payments get into arrear, they may be recovered by distress and sale of the party's goods, or by attaching his wages in the hands of his master (g).

It may be necessary to add, that this statute, as far as it relates to bastards, extends only to cases where the children are born after the passing of the act. As to children born previously to that time, the law remains the same as formerly; and magistrates may still make orders of filiation in respect of them, and compel payment of the sums ordered, &c. in the same manner precisely as if this act had never been made (h).

(g) Sect. 76.

(h) See sect. 69, *post*, p. 107, and the note there.

The reader's attention is directed to the 109th section, *post*, p. 150, which gives the interpretation and meaning of the following terms, which occur in the act :—

Auditor.
General Quarter Sessions.
General Rule.
Guardian.
Justice or Justices of the Peace.
Oath.
Officer.
Orders and Regulations.
Overseer.
Owner.
Parish.
Person.
Poor.
Poor Laws, or Laws for the Relief of the Poor.
Poor Rate.
Rack Rent.
Union.
United Workhouse.
Vestry.
Workhouse.

STATUTE

4 & 5 WILLIAM IV. CAP. 76.

An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales. [14th August, 1834.]

WHEREAS it is expedient to alter and amend the laws relating to the relief of poor persons in England and Wales: Be it therefore enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for his Majesty, his heirs and successors, by warrant under the royal sign manual, to appoint three fit persons to be commissioners to carry this act into execution, (1) Appointment of commissioners. and also from time to time, at pleasure, to remove any of the commissioners for the time being, and upon every or any vacancy in the said number of commissioners, either by removal or by death or otherwise, to appoint some other fit person to the said office; and until such ap-

(1) This appointment is to continue in force for five years, and from thence to the end of the next session of parliament; after which, so much of this act as relates to the appointment of commissioners shall cease, (*sect. 10, post,*) if no other provision by statute be made upon the subject.

pointment, it shall be lawful for the surviving or continuing commissioners or commissioner to act as if no such vacancy had occurred.

Style of commissioners, who may sit as a board, with power to summon and examine witnesses, and call for production of papers on oath ;

II. And be it further enacted, that the said commissioners shall be styled "The Poor Law Commissioners for England and Wales;" and the said commissioners, or any two of them, may sit from time to time, as they deem expedient, as a board of commissioners for carrying this act into execution; and the said commissioners acting as such board shall be and are hereby empowered, by summons under their hands and seal, to require the attendance (2) of all such persons as they may think fit to call before them upon any question or matter connected with or relating to the administration of the laws for the relief of the poor, and also to make any inquiries and require any answer or returns as to any such question or matter, and also to administer oaths, and examine all such persons upon oath, and to require and enforce the production upon oath of books, contracts, agreements, accounts, and writings, or copies thereof respectively, in anywise relating to any such question or matter; or, in lieu of requiring such oath as aforesaid, the said commissioners may, if they think fit, require any such person to make and subscribe a declaration

(2) As to the punishment for not obeying this summons, or for refusing to produce books, papers, &c., or for giving false testimony, see sect. 13, *post*.

of the truth of the matters respecting which he shall have been or shall be so examined: provided always, that no such person shall be required, in obedience to any such summons, to go or travel more than ten miles from the place of his abode; (3) provided also, that nothing herein contained shall extend or be deemed to extend to authorize or empower the said commissioners to act as a court of record, or to require the production of the title, or of any papers or writings relating to the title, of any lands, tenements, or hereditaments, not being the property of any parish or union.

but not to
inquire into
any title.

III. And be it further enacted, that the said commissioners shall cause to be made a seal of the said board, and shall cause to be sealed or stamped therewith all rules, orders, and regulations made by the said commissioners in pursuance of this act; (4) and all such rules, orders, and regulations, or copies thereof, purporting to be sealed or stamped with the seal of the said board, shall be received as evidence of the same respectively, without any further proof thereof; and no such rule, order, or regulation, or copy thereof, shall be valid, or have any force or effect, unless the same shall be so sealed or stamped as aforesaid.

To have a
common seal.

Rules, &c.
purporting to
be sealed with
such seal, to
be received
as evidence.

- (3) As to the witness's expenses, see sect. 14, post.
- (4) See sect. 15, post.

Commissioners to record their proceedings, and submit them yearly to a secretary of state.

IV. And be it further enacted, that the said commissioners shall make a record of their proceedings, in which shall be entered in writing a reference to every letter received, from whence, its date, the date of its reception, and the subject to which it relates, and a minute of every letter written or order given by the said commissioners, whether in answer to such letters received or otherwise, with the date of the same, and a minute of the opinion of each of the members of the board of commissioners, in case they should finally differ in opinion upon any order to be given or other proceeding of the board; and such record shall be submitted to one of his majesty's principal secretaries of state once in every year, or as often as he shall require the same.

Commissioners to make a general report to the secretary of state yearly;

V. And be it further enacted, that the said commissioners shall, once in every year, submit to one of the principal secretaries of state a general report of their proceedings; and every such general report shall be laid before both houses of parliament within six weeks after the receipt of the same by such principal secretary of state, if parliament be then sitting, or if parliament be not sitting then within six weeks after the next meeting thereof.

and to report proceedings to secretary of state when required.

VI. And be it further enacted, that the said commissioners shall from time to time, at such

times as any one of his majesty's principal secretaries of state shall direct, give to the principal secretary of state requiring the same such information respecting their proceedings, or any part thereof, as the said principal secretary of state shall require.

VII. And be it further enacted, that the said commissioners shall and they are hereby empowered from time to time to appoint such persons as they may think fit, to be assistant commissioners for carrying this act into execution, at such places and in such manner as the said commissioners may direct, and to remove such assistant commissioners, or any of them, at their discretion, and on every or any vacancy in the said office of assistant commissioner, by removal or by death or otherwise, to appoint, if they see fit, some other person to the said office: provided always, that it shall not be lawful for the said commissioners to appoint more than nine such assistant commissioners to act at any one time, unless the lord high treasurer, or the commissioners of his majesty's treasury for the time being, or any three or more of them, shall consent to the appointment of a greater number.

Power to
appoint as-
sistant com-
missioners,
and to
remove same.

Not more
than nine to
be appointed
without con-
sent of trea-
sury.

VIII. And be it further enacted, that no commissioner or assistant commissioner, appointed as aforesaid, shall, during his continuance in such appointment, be capable of being

Commission-
ers not to sit
in Parlia-
ment.

elected or sitting as a member of the House of Commons.

Commissioners to appoint secretary, assistant secretaries, clerks, and other officers.

IX. And be it further enacted, that the said commissioners may and they are hereby empowered from time to time to appoint a secretary, assistant secretary or secretaries, and all such clerks, messengers, and officers as they shall deem necessary, and from time to time, at the discretion of the said commissioners, to remove such secretary, assistant secretary or secretaries, clerks, messengers, and officers, or any of them, and to appoint others in their stead: provided always, that the amount of the salaries of such secretary, assistant secretary or secretaries, clerks, messengers, and officers, shall from time to time be regulated by the lord high treasurer, or the commissioners of his majesty's treasury, or any three or more of them.

Appointment of commissioners, &c. limited to five years.

X. And be it further enacted, that no commissioner to be appointed by his majesty, nor any assistant commissioner, secretary, or other officer or person to be appointed by the said commissioners, under and by virtue of the provisions of this act, shall continue to hold his respective office, or exercise any of the powers given by this act, for a longer period than five years next after the day of the passing of this act, and thenceforth until the end of the then next session of parliament; and from and after

the expiration of the said period of five years, and of the then next session of parliament, so much of this act as enables his majesty to appoint any commissioner or commissioners, shall cease to operate or have any effect whatever. (5)

XI. And be it further enacted, that every commissioner and assistant commissioner to be appointed from time to time as aforesaid shall, before he shall enter upon the execution of his office, take the following oath, before one of the judges of his majesty's courts of King's Bench or Common Pleas, or one of the barons of the court of Exchequer; (that is to say,) Commissioners and assistant commissioners to take oath.

"I *A. B.* do swear, that I will faithfully, impartially, and honestly, according to the best of my skill and judgment, execute and fulfil all the powers and duties of a commissioner [*or assistant commissioner, as the case may be,*] under an act passed in the fifth year of the reign of King William the Fourth, intitled [*here set forth the title of this act.*]" Form of oath.

And the appointment of every such commissioner and assistant commissioner, together with the time when and the judge or baron before whom he shall have taken the oath aforesaid, shall be Notification of appointment of commissioners, to be sent to clerks of the peace, and published.

(5) That is, if no further provision be made by statute upon the subject. But it is quite clear that some such provision must be made, for otherwise the principal provisions of this statute could not be carried into execution.

forthwith published in the London Gazette; and a notification of such appointment and of the taking of such oath shall from time to time be sent, under the hands and seal of the said commissioners, to the clerk of the peace of every county in England and Wales, who shall and is hereby required as soon as conveniently may be to cause the same to be advertized once in some newspaper published or circulated in such county; and such notification as aforesaid shall be kept and preserved by such clerk of the peace with the records of such county.

Commissioners may delegate powers to assistant commissioners.

XII. And be it further enacted, that it shall be lawful for the said commissioners to delegate to their assistant commissioners, or to any of them, such of the powers and authorities hereby given to the said commissioners (except the powers to make general rules) (6) as the said commissioners shall think fit; and the powers and authorities so delegated, and the delegation thereof, shall be notified in such manner, and such powers and authorities shall be exercised at such places, for such periods, and under such circumstances, and subject to such regulations, as the said commissioners shall direct; and the said commissioners may at any time revoke, recall, alter, or vary all or any of the powers and authorities which shall be so delegated as aforesaid; and, notwithstanding the delegation thereof, may

(6) See sect. 15, *post*.

act as if no such delegation had been made ; and the said assistant commissioners may and are hereby empowered to summon before them such persons as they may think necessary for the purpose of being examined upon oath (which oath such assistant commissioners are hereby empowered to administer) upon any question or matter relating to the poor or their relief, or for the purpose of producing and verifying upon oath any books, contracts, agreements, accounts, and writings, or copies of the same, in anywise relating to such question or matter, and not relating to or involving any question of title to any lands, tenements, or hereditaments not being the property of any parish or union, as such assistant commissioners may think fit, but so that no such person shall be required, in obedience to any such summons, to go or travel more than ten miles from the place of his abode ; provided nevertheless, that in lieu of requiring such oath as aforesaid the said assistant commissioners may, if they think fit, require such person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined ; and all summonses and orders made by any such assistant commissioner in pursuance or exercise of such delegated powers and authorities, shall be obeyed, performed, and carried into effect by all persons, as if such summons or order had been the summons or order of the said commissioners, and the breach,

Assistant commissioners may summon persons and examine them upon oath.

non-observance, or non-performance thereof shall be punishable in like manner. (7)

False evidence, penalty.

Refusing to attend, &c. misdemeanor.

XIII. And be it further enacted, that if any person, upon any examination under the authority of this act, shall wilfully and corruptly give false evidence, he shall be deemed guilty of perjury; and if any person shall make or subscribe a false declaration, he shall, on being convicted thereof, suffer the pains and penalties of perjury; and if any person shall wilfully refuse to attend, in obedience to any summons of any commissioner or assistant commissioner, or to give evidence, or shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, and writings, or copies of the same, which may be so required to be produced before the said commissioners or assistant commissioners, every person so offending shall be deemed guilty of a misdemeanor. (8)

Reasonable expenses of witnesses to be paid, and by whom.

XIV. And be it further enacted, that it shall be lawful for the said commissioners, in any case where they see fit, to order and allow such expenses of witnesses, and of or attending the production of any books, contracts, agreements, accounts, or writings, or copies thereof, to or before the said commissioners or assistant commissioners, as such commissioners may deem

(7) See sect. 2, *ante*.

(8) And of course punishable only upon indictment.

reasonable, to be paid as follows: that is to say, out of the poor rates of the respective parish or union which in the opinion of the said commissioners shall be interested or concerned in such attendance or production respectively, in all cases in which such witnesses shall not go or travel more than ten miles from the respective parish or union which shall be interested or concerned as aforesaid; and in all other cases, the expenses so ordered or allowed shall be deemed as part of the incidental expenses attending the execution of this act, and be paid accordingly.

XV. And be it further enacted, that from and after the passing of this act the administration of relief to the poor throughout England and Wales, according to the existing laws, or such laws as shall be in force at the time being, shall be subject to the direction and control of the said commissioners; and for executing the powers given to them by this act, the said commissioners shall and are hereby authorized and required, from time to time as they shall see occasion, to make and issue all such rules, orders, and regulations for the management of the poor, for the government of workhouses (9) and the education of the children therein, and for the management of parish poor children under the provisions of an act made and passed in the seventh year of the reign of his late majesty King George the Third, intituled

Administration of relief to the poor to be under control of the commissioners; who are to make rules and regulations for the management of the poor, and administration of the laws for their relief, &c.

(9) See sect. 42, *post*; and see also sect. 19.

Commissioners may suspend or alter rules, &c.

"An Act for the better regulation of Parish poor Children of the several Parishes therein mentioned within the Bills of Mortality," and the superintending, inspecting, and regulating of the houses wherein such poor children are kept and maintained, and for the apprenticing the children of poor persons, and for the guidance and control of all guardians, vestries, and parish officers, so far as relates to the management or relief of the poor, and the keeping, examining, auditing, and allowing of accounts, and making and entering into contracts in all matters relating to such management or relief, or to any expenditure for the relief of the poor, and for carrying this act into execution in all other respects, as they shall think proper; and the said commissioners may, at their discretion, from time to time suspend, alter, or rescind such rules, orders, and regulations, or any of them: provided always, that nothing in this act contained shall be construed as enabling the said commissioners or any of them to interfere in any individual case for the purpose of ordering relief. (10)

(10) From some of the subsequent sections of the statute, it appears that these rules, orders, and regulations are of two kinds; general rules, &c. intended to affect all the parishes or unions in the kingdom, or at least some two or more of them (*see sect. 42*); and particular orders, &c. in individual cases, in answer to the statements or reports received by the commissioners from time to time from the guardians, overseers, or other officers of particular parishes or unions. (*See sect. 20.*) By the proviso at the end of the above section, the commissioners are restrained from interfering in this latter way, for the purpose of ordering relief. All these

XVI. And be it further enacted, that no general rule of the said commissioners shall operate or take effect until the expiration of forty days after the same, or a copy thereof, shall have been sent, signed and sealed by the said commissioners, to one of his majesty's principal secretaries of state; and if at any time after any such general rule shall have been so sent to such principal secretary of state, his majesty, with the advice of his privy council, shall disallow the same or any part thereof, such general rule or the part thereof so disallowed, shall not come into operation, if such disallowance be notified to the said commissioners at any time during the said period of forty days; but if such disallowance be made at any time after that period, such disallowance shall, by one of his majesty's principal secretaries of state, be notified to the said commissioners, and from and after such disallowance shall have been so notified, then such general rule, so far as the same shall have been

General rules to be submitted to secretary of state forty days before coming into operation.

If disallowed by king in council during the forty days, not to come into operation. If disallowed afterwards, it shall then cease to operate.

rules, orders, and regulations, to be valid, must be sealed or stamped with the seal of the Board. (*Sect. 3, ante.*)

All general rules must first be submitted to one of the secretaries of state, forty days before they come into operation; within which time, or indeed at any time after, the king, with the advice of his privy council, may disallow them. (*Sect. 16.*) And fourteen days before they come into operation in any parish or union, written or printed copies of them must be sent to the overseers or guardians of the poor there, and to the clerk to the justices of the petty sessions for the division in which such parish or union is situate. (*Sect. 18. 20.*) The disallowance or revocation of any such rule, shall be notified in the same manner. (*Sect. 18.*)

As to the penalty for disobeying these rules, &c. see sect. 98, *post.*

so disallowed, shall cease to operate, subject however and without prejudice to all acts and transactions under or in virtue of the same previously to such disallowance having been so notified.

General rules to be laid before parliament.

XVII. And be it further enacted, that all general rules for the time being in force at the commencement of every session of parliament, and which shall not previously have been submitted to parliament, shall from time to time, within one week after the commencement of every such session, be laid by one of his majesty's principal secretaries of state before both Houses of Parliament.

Rules, orders, &c. to be sent to overseers, &c. before they shall come into operation.

XVIII. And be it further enacted, that a written or printed copy of every rule, order or regulation of the said commissioners, shall, before the same shall come into operation in any parish or union, be sent by the said commissioners by the post, or in such manner as the commissioners shall think fit, sealed or stamped with their seal, addressed to the overseers of such parish, the guardians of such union or their clerk, and to the clerk to the justices of the petty sessions held for the division in which such parish or union shall be situate; (11) and such

(11) And (with the exception of orders made in answer to the statements and reports made by overseers or guardians to the commissioners,) these rules, &c. are not to be in force in such parish or union, until the expiration of fourteen days from the time they are thus sent. (Sect. 20, *post.*)

overseers, guardians, or their clerk, and clerks to the justices aforesaid, are hereby required to keep and preserve, notify and give publicity to such rules, orders, and regulations, in such manner as the said commissioners shall direct, and also to allow every owner of property, or his agent, or any rate-payer, in every such parish or union, to inspect the same at all reasonable times, free of any charge for such inspection, and to furnish copies of the same, being paid for such copies at and after the rate of three pence for every folio of seventy-two words, and to allow copies or extracts thereof to be taken, on being paid for so doing after the rate of three halfpence for every folio of seventy-two words; and in case any such overseer, guardian, clerk, or clerk to the justices, to whom such rules, orders, or regulations, or copies thereof, shall be sent as aforesaid, shall neglect to keep and preserve, notify and give publicity to the same in the mode prescribed or directed by the said commissioners, or shall refuse such inspection, or to furnish or allow such copies thereof to be taken as aforesaid, every person so offending shall, for every such offence, be subject and liable to a penalty not exceeding the sum of ten pounds nor less than forty shillings, to be recoverable in the same manner as any penalties are by this act directed to be recovered: (12)

Publicity to be given to rules, &c. in manner directed by commissioners.

Penalty on overseer, &c. neglecting to give publicity, &c.

Disallowance
of rule to be
notified in
like manner.

provided also, that if any such rule shall, after the same shall have come into operation, be disallowed in manner hereinbefore mentioned, or revoked by the said commissioners, then and in every such case the said commissioners shall send, by the post, or in such manner as they shall think fit, to every parish or union affected by the said rule, notice of such disallowance or revocation; such notice of disallowance or revocation to be addressed, kept, preserved, notified, and publicly inspected, and copies thereof furnished or allowed to be taken, in such and the same manner, and subject to the same penalties as are hereinbefore mentioned respecting the rules, orders, and regulations of the said commissioners.

No inmate
of a work-
house obliged
to attend any
religious ser-
vice contrary
to his reli-
gious princi-
ples, &c.

XIX. And be it further enacted, that no rules, orders, or regulations of the said commissioners, nor any bye-laws at present in force or to be hereafter made, shall oblige any inmate of any workhouse to attend any religious service which may be celebrated in a mode contrary to the religious principles of such inmate, nor shall authorize the education of any child in such workhouse in any religious creed other than that professed by the parents or surviving parent of such child, and to which such parents or parent shall object, or, in the case of an orphan, to which the godfather or godmother of such orphan shall so object: provided also, that it shall and may be

lawful for any licensed minister of the religious persuasion of any inmate of such workhouse, at all times in the day, on the request of such inmate, to visit such workhouse for the purpose of affording religious assistance to such inmate, and also for the purpose of instructing his child or children in the principles of their religion.

XX. And be it further enacted, that no order or regulation made by any assistant commissioner shall be in force, unless and until the same shall have been adopted by the said commissioners, and sealed or stamped with their seal, (13) and thereupon every such order or regulation shall be considered as made by the said commissioners : and that no rule, order, or regulation of the said commissioners, except orders made in answer to the statements and reports hereinafter authorized to be made by overseers or guardians to the said commissioners, shall be in force, until the expiration of fourteen days after a written or printed copy of the same shall have been sent by the said commissioners, sealed or stamped and addressed as lastly hereinbefore is mentioned. (14)

Orders, &c. of assistant commissioners to be approved of and sealed by the commissioners.

Rules, &c. not in force until fourteen days after being sent to overseer, &c.

XXI. And be it further enacted, that, except where otherwise provided by this act, all the

Powers of 22 G. 3. c. 63. 50 G. 3. c. 12, and of all

(13) See sect. 3, *ante*.

(14) In sect. 18, *ante*. As to the penalty for disobeying the orders or regulations of the assistant commissioners, see sect. 98, *post*.

other acts relating to workhouses, and to borrowing money, to be exercised under control of commissioners, and be subject to their orders.

powers and authorities given in and by a certain act of parliament passed in the twenty-second year of the reign of his late majesty King George the Third, intituled "An Act for the better Relief and Employment of the Poor," (15) and in and by a certain other act passed in the fifty-ninth year of the reign of his said late majesty, intituled "An Act to amend the Laws for the Relief of the Poor" (16) and all acts for amending such acts respectively, and also all the powers and authorities given by every other act of parliament, general as well as local, for or relating to the building, altering, or enlarging of poor-houses and workhouses, and to the acquiring, purchasing, hiring, holding, selling, exchanging, and disposing thereof, or of land whereon the same may have been or may hereafter be erected,

(15) The stat. 22 Geo. 3, c. 83, here referred to, and usually called Gilbert's Act, enabled parishes to appoint guardians of the poor, governors of workhouses, &c.; it put the workhouses in such parishes on a better footing than they were before, and established rules, bye-laws, and regulations for their management. It also enabled parishes and townships to unite for the purpose of having a workhouse in common, to be managed by guardians, one of whom was to be elected and appointed for each parish; and it regulated the manner in which such parishes respectively should contribute to the common expense of the workhouse, officers, &c., each parish, however, paying the expense of maintaining their own poor there.

(16) The stat. 59 Geo. 3, c. 12, here referred to, and usually called Sturges Bourne's Act, enabled parishes to elect and appoint select vestries for the management of the poor; and also to elect and appoint assistant overseers. It made regulations as to the building and enlarging workhouses, and made other general regulations as to the management, &c. of the poor.

and of preparing such houses for the reception of poor persons, and the dieting, clothing, employing, and governing of such poor, and the raising or borrowing of money for any of the purposes aforesaid, and for repaying the same, and all powers of regulating and conducting all other workhouses whatsoever, and of governing, providing for, and employing the poor therein, and all powers auxiliary to any of the powers aforesaid, or in any way relating to the relief of the poor, shall in future be exercised by the persons authorized by law to exercise the same, under the control, and subject to the rules, orders, and regulations of the said commissioners; and the said commissioners and assistant commissioners respectively, and every of them, shall be entitled to attend at every parochial and other local board and vestry, and take part in the discussions, but not to vote at such board or vestry; provided always, that nothing herein contained shall be construed to give the said commissioners or assistant commissioners any power to order the building, purchasing, hiring, altering, or enlarging of any workhouse, or the purchasing or hiring of any land at the charge or for the use of any parish or union; save and except so far as such powers are expressly given by this act. (17)

Commissioners, &c. to be entitled to attend local boards and vestry.

Not to order the building or hiring of workhouses, except under this act.

(17) By sect. 23, 24, and 25, *post.*

No additions
or alterations
to be made to
the rules con-
tained in the
schedule to
22 G. 3, c. 63,
or in any
other act,
until confirm-
ed by com-
missioners.

XXII. And whereas by the said act made and passed in the twenty-second year of the reign of his late majesty King George the Third, it is (among other things) enacted that the rules, orders, and regulations specified and contained in the schedule thereunto annexed, (18) should be duly observed and enforced at every poorhouse or workhouse to be provided by virtue of the said act, with such additions as should be made by the justices of the peace of the limit wherein such house or houses should be situate, at some special session, provided that such additions should not be contradictory to the rules, orders, and regulations established by that act, and provided that the same should not be repealed by the justices at their quarter sessions of the peace; and it is expedient that such additions, or other rules, orders, or regulations, under that or any local or other act, should not in future be made without the sanction of the said commissioners: be it therefore enacted, that no additions or alterations shall hereafter be made to or in the rules, orders, and regulations contained in the schedule to the^d said recited act, and no rules, orders and regulations shall hereafter be made under the authority of the said recited act, or of any act made for altering, amending, or extending the same, or any local or other act relating to poorhouses, workhouses, or the relief

(18) See note (15) to the last section.

of the poor, until the same shall have been submitted to and approved and confirmed by the said commissioners; and that the same, when so confirmed, shall be legally valid and binding upon all persons; and no justice or justices shall have power to repeal the same (19).

XXIII. And be it further enacted, that it shall be lawful for the said commissioners, and they are hereby empowered, from time to time when they may see fit, by any writing under their hands and seal, by and with the consent in writing of a majority of the guardians of any union, or with the consent of a majority of the rate-payers and owners of property entitled to vote in manner hereinafter prescribed, in any parish, such last-mentioned majority to be ascertained in manner provided in and by this act, to order and direct the overseers or guardians of any parish or union not having a workhouse or workhouses, to build a workhouse or workhouses, and to purchase or hire land for the purpose of building the same thereon, or to purchase or hire a workhouse or workhouses, or any building or buildings for the purpose of being used as or converted into a workhouse or workhouses; and, with the like consent, to order and direct the overseers or guardians of any parish or union having a workhouse or workhouses, or any buildings capable of

Commissioners empowered to order workhouses to be built, hired, altered, or enlarged, with consent, &c.

(19) See sect. 42, *post*.

being converted into a workhouse or workhouses, to enlarge or alter the same in such manner as the said commissioners shall deem most proper for carrying the provisions of this act into execution, or to build, hire, or purchase any additional workhouse or workhouses, or any building or buildings for the purpose of being used as or converted into a workhouse or workhouses, or to purchase or hire any land for building such additional workhouse or workhouses thereon, of such size and description, and according to such plan, and in such manner as the said commissioners shall deem most proper for carrying the provisions of this act into execution; and the overseers and guardians, to whom any such order shall be directed, are hereby authorized and required to assess, raise, and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways, and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for purchasing or hiring land, or for building, hiring, and maintaining workhouses for the use of the poor, in their respective parishes or unions, or to borrow money for such purposes under the provisions of this or any other act or acts.(20)

Sums to be
raised for par.

XXIV. And be it further enacted, that for the

(20) See sect. 21, *ante*.

better and more effectually securing the repayment of any sum or sums of money which may be borrowed for the purposes aforesaid, with interest, it shall be lawful for the said overseers or guardians to charge the future poor-rates of such parish or union with the amount of such sum or sums of money : provided always, that the principal sum or sums to be raised for such purposes, whether raised within the year or borrowed, shall in no case exceed the average annual amount of the rates raised for the relief of the poor in such parish or union for three years ending at the Easter next preceding the raising of such money ; and that any loan or money borrowed for any of the purposes aforesaid shall be repaid by annual instalments of not less than one-tenth of the sum borrowed, with interest on the same, in any one year.(21)

poses of building work-houses to be charged on poor rates; not to exceed one year's amount of poor-rates.

XXV. And be it further enacted, that it shall be lawful for the said commissioners, and they are hereby empowered, without requiring any such consent as aforesaid, by any writing under the hands and seal of the said commissioners, to order and direct the overseers or guardians of any parish or union having a workhouse or workhouses, or any building capable of being converted into a workhouse or workhouses, to enlarge or alter the same, according to such plan and in

Commissioners may order workhouses to be altered or enlarged, without consent, &c.

(21) See sect. 21, *ante*.

if the sums to be raised for such purposes do not exceed one tenth of a year's rates, or 50*l*.

such manner as the said commissioners shall deem most proper for carrying the provisions of this act into execution; and the overseers or guardians to whom any such order shall be directed are hereby authorized and required to assess, raise and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways, and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for altering, enlarging, and maintaining workhouses for the use of the poor in their respective parishes or unions; provided always that the principal sum or sums to be raised for such purposes, and charged upon any parish, shall not exceed in the whole the sum of fifty pounds, nor in any such case exceed one tenth of the average annual amount of the rates raised for the relief of the poor in such parish for the three years ending at the Easter next preceding the raising of such money. (22)

Parishes may be united by commissioners.

XXVI. And be it further enacted, that it shall be lawful for the said commissioners, by order under their hands and seal, to declare so many parishes as they may think fit to be united for the administration of the laws for the relief of the poor, and such parishes shall thereupon be deemed a union for such purpose, and thereupon the work-

(22). See sect. 21, *ante*.

house or workhouses of such parishes shall be for their common use (23); and the said commissioners may issue such rules, orders, and regulations as they shall deem expedient, for the classification of such of the poor of such united parishes in such workhouse or workhouses, as may be relieved in any such workhouse, and such poor may be received, maintained, and employed in any such workhouse or workhouses, as if the same belonged exclusively to the parish to which such poor shall be chargeable; but, notwithstanding such union and classification, each of the said parishes shall be separately chargeable with and liable to defray the expense of its own poor, whether relieved in or out of any such workhouse.

Each parish chargeable for its own poor.

XXVII. And be it further enacted, that in any union which may be formed under this act, (24) it shall be lawful for any two of his Majesty's justices

In union, justices may order out-door relief to aged and infirm persons wholly unable to work.

(23) This formerly could be done only with the consent of a majority of the parishioners or inhabitants of the respective parishes (9 Geo. 1, c. 7, s. 4, 22 Geo. 3, c. 83, s. 4.)

(24) It does not appear very satisfactorily, why this power is confined to parishes united under this act, and not extended to those united under stat. 22 Geo. 3, c. 83, to those under the management of guardians or select vestries, and indeed to all parishes that have workhouses. As to parishes that have not workhouses, and are not united to any others that have, justices might have made, and, it should seem, may still make, an order for relief in such a case as is here mentioned.—*Edit.*

In acting under this section, all the justices can do is to order generally that relief shall be given to the pauper, without his being required to go into the workhouse: they cannot specify in their order what kind or quantity of relief shall be given to them.—*P. L. C.*

of the peace usually acting for the district wherein such union may be situated, at their just and proper discretion, to direct, by order under their hands and seals, that relief shall be given to any adult person who shall from old age or infirmity of body be wholly unable to work, without requiring that such person shall reside in any workhouse: provided always, that one of such justices shall certify in such order, of his own knowledge, that such person is wholly unable to work, as aforesaid; and provided further, that such person shall be lawfully entitled to relief in such union, and shall desire to receive the same out of a workhouse.

How the proportion in which each parish shall contribute to the joint expense of the union shall be determined.

XXVIII. And be it further enacted, that when any union of parishes for the administration of the laws for the relief of the poor, shall be proposed to be made or shall be made under the provisions of this act, it shall be lawful for the said commissioners, and they are hereby required, from time to time, by such means and in such manner as they may think fit, to inquire into and ascertain⁽²⁵⁾ the expense incurred by each parish proposed to form part of such union for the relief of the poor belonging to such parish, whether such relief shall have been given in or out of any workhouse, for the three years ending on the twenty-fifth day of March next preceding such inquiry, and thereupon the said commissioners shall proceed to calculate and

(25) See sect. 30.

ascertain the annual average expense of each parish for that period; and the several parishes included or proposed to be included in such union, shall from the time of effecting the same contribute and be assessed to a common fund for purchasing, building, hiring or providing, altering or enlarging any workhouse or other place for the reception and relief of the poor of such parishes, or for the purchase or renting of any lands or tenements, under and by virtue of the provisions of this act, of or for such union, and for the future upholding and maintaining of such workhouses or places aforesaid, and the payment or allowance of the officers of such union, and the providing of utensils and materials for setting the poor on work therein, and for any other expense to be incurred for the common use or benefit or on the common account of such parishes, in the like proportions as on the said annual average of the said three years such relief had cost each such parish separately, until such average shall be varied or altered as hereinafter provided; (26) provided always, and the said commissioners are hereby authorized, if they shall so think fit, but not otherwise, from time to time, either upon the application of the guardians of such union or of the overseers of any parish forming part of the same, or without such application, to cause a like inquiry and calculation to be made and average

(26) See stat. 22 Geo. 3, c. 83, s. 17, and sch. No. 15.

ascertained for the three years ending on the twenty-fifth day of March next preceding such inquiry; and from and after the ascertaining of any such average, or of any succeeding average, the respective parishes of such union shall contribute and be assessed to the common fund thereof, for the purposes aforesaid, in the proportions which the expense of such parishes shall be found to have borne to each other during such period upon the average which shall have been so last ascertained, until a like inquiry shall be again made, and a new average and proportion ascertained for the future assessment of such parishes.

The like provision, in unions effected under 22 G. 3, c. 83, or local acts.

XXIX. And whereas in divers unions formed under the said recited act made and passed in the twenty-second year of the reign of his late Majesty King George the Third, intituled "An Act for the better Relief and Employment of the Poor," or under local acts of incorporation, the whole of the expense, as well of upholding the united workhouses therein, as of maintaining and relieving the poor of the respective parishes of such unions, is assessed upon such parishes in the respective proportions fixed at the period when such unions were formed, and in others a part of such expenses is so levied, and a part subjected to variations at stated periods: And whereas some of the parishes of such unions have contributed and still continue to contribute, as their fixed proportion of the general fund, a sum much larger, and others a sum much less, than the actual

expense incurred for the relief of the poor belonging to them respectively; for remedy thereof be it enacted, that it shall be lawful for the said commissioners, as soon as conveniently may be after the passing of this act, to cause an inquiry to be made and an account rendered, as far as it may be practicable to render the same, by the visitors, directors, acting guardians, or other officers of such parishes or unions respectively, of the expense incurred for the relief of the poor belonging to each parish within any such union, whether such poor shall have been relieved in or out of such parish respectively, or in or out of any united workhouse, and whether such expense has been paid by the general fund of such union or the parochial funds of any of the parishes thereof, or by any private rate, or general subscription in lieu of a rate among the rate-payers of any such parish, and whether passed through the books or paid under the control of the managers or officers of such union, or not, for the period of three years ending on the twenty-fifth day of March one thousand eight hundred and thirty-four, including therein a due proportion of the expense of maintaining the united workhouses and establishment of such union, calculated according to the actual expense otherwise incurred for the relief of the poor belonging to each such parish; and the average annual amount of such expense shall be deemed and taken to have been the annual expense incurred by such parish on account of its poor, not-

withstanding such parish may have contributed a greater or smaller sum than such annual average to the general funds of the union during such period; and such annual average, so ascertained as aforesaid, shall, if the said commissioners shall see fit, and to such extent only as they may direct, be deemed and taken as the fixed proportion to be contributed and paid by each such parish respectively towards a common fund for the future hiring, maintaining, and upholding, repairing, altering, or enlarging of any workhouse, and the renting of any land used by such union at the passing of this act, and for the purchasing, building, hiring, maintaining, upholding, repairing, altering, or enlarging of any new workhouse or workhouses, or other place for the reception and relief of the poor belonging to the parishes of such union, and for the renting or purchase of any lands or tenements under or by virtue of the provisions of this act, and the payment or allowance of any officers of such union, and the providing of utensils or materials for setting the poor on work therein, and for any other expense to be in future incurred for the common use or benefit of such parishes, and in addition to the cost or proportion of cost of the poor of such parishes who shall be maintained or relieved in or out of any workhouse of such union, for which each such parish shall in future be charged separately; any provision or enactment in the said recited act or in any such local acts to the contrary notwithstanding; provided always, and the said commissioners are

hereby authorized, if they see fit, but not otherwise, upon the application of the guardians of any such last-mentioned union, or of the overseers of any parish forming part of the same, or without such application, from time to time, to cause an inquiry and calculation to be made, and average ascertained, for the three years ending on the twenty-fifth day of March next preceding such inquiry, of the expense incurred by each such parish, as well in respect of its contribution to such common fund as of the cost or proportion of cost of its poor which shall have been maintained or relieved in or out of any workhouse of such union during such period of three years; and from and after the ascertaining of such average or of any succeeding average, the respective parishes of such union shall contribute and be assessed to the common fund thereof, for the purposes of which such common fund is hereinbefore declared to be applicable, in the proportions which the expense of such parishes shall be found to have borne to each other during such period, upon the average which shall have been so last ascertained, until a like inquiry shall be again made, and a new average and proportion ascertained for the future assessment of such parishes to such common fund: provided always, that nothing herein contained shall extend to any parishes already formed or hereafter to be formed into a union for the purposes of settlement or rating, or where the annual assessment is directed

to be indifferently proportioned between the several parishes composing such union.

Parliamentary returns to be evidence of actual expense of poor to each parish.

XXX. And for facilitating the inquiries directed by this act, be it enacted, that unless and until they shall be proved to the satisfaction of the said commissioners to be incorrect, the returns made to parliament of the sums expended for the relief of the poor of any parish for the last three years previous to the passing of this act, shall be deemed to be the actual expense incurred by each such parish respectively during that period for the purposes aforesaid, and on account of the poor belonging to such parish respectively, and shall be taken as the ground on which such averages shall be calculated and ascertained.

Repeal of 22 G. 3, c. 33, s. 5, and 56 G. 3, c. 129, part of s. 1, restraining parishes from contributing to workhouse at a greater distance than ten miles; and of 22 G. 3, c. 83, s. 29, limiting class of persons to be sent to workhouses.

XXXI. And be it further enacted, that from and after the passing of this act, so much of the said recited act made and passed in the twenty-second year of the reign of his late Majesty king George the Third, intituled "An Act for the better Relief and Employment of the Poor," as provides that no parish, township, hamlet or place which shall be situate more than ten miles from any poorhouse or workhouse to be provided under the authority of that act shall be permitted to be united for the purposes therein mentioned with the parishes, townships, hamlets, and places which shall establish such poorhouse

or workhouse as therein mentioned, and as limits the class or description of persons who shall be sent to such poorhouse or workhouse; and so much of a certain act made and passed in the fifty-sixth year of the reign of his said late majesty king George the Third, intituled "An Act to repeal certain provisions in Local Acts for the Maintenance and Management of the Poor," as repeals all enactments and provisions contained in any act or acts of parliament since the commencement of the reign of his late Majesty king George the First, whereby any parish, township, or hamlet, at a greater distance than ten miles from any house of industry or workhouse, shall thereafter be empowered or authorized to become contributors to or to take the benefit of such house of industry or workhouse, shall be and the same is hereby repealed.

XXXII. And be it further enacted, that it shall be lawful for the said commissioners, from time to time, as they may see fit, by order under their hands and seal, to declare any union, whether formed before or after the passing of this act (except when united for the purposes of settlement or rating), to be dissolved, or any parish or parishes, specifying the same, to be separated from or added to any such union, and, as the case may be, such union shall thereupon be dissolved, or such parish or parishes shall thereupon be separated from or added to such union accordingly;

Power to dissolve, add to, or take from any union,

and there-
upon to make
such rules as
may be
adapted to its
altered state.

Rights and
interests of
parishes, and
claims on
them, to be
ascertained
and secured.

and the said commissioners shall in every such case frame and make such rules, orders, and regulations as they may think fit for adapting the constitution, management, and board of guardians of every such union, from or to which there shall be such separation or addition as aforesaid, to the altered state of the same, and every such union shall after any such alteration be constituted, managed, and governed as if the same had been originally formed in such altered state: and in case any union shall be wholly or partially dissolved as aforesaid, then the parishes constituting, or, in case of a partial dissolution, separated from any such union, shall thenceforth be subject to be re-united, or united with other parishes or unions, or otherwise dealt with according to the provisions of this act as the said commissioners shall think fit: provided always, that in every such case the said commissioners shall and they are hereby required to ascertain the proportionate value to every parish of such union of the work-houses or other property held or enjoyed by such union for the use of the poor or benefit of the rate-payers therein, and also the proportionate amount chargeable on every parish in respect of all the liabilities of such union existing at the time of such dissolution or alteration of the same, and the said commissioners shall thereupon fix the amount to be received, or paid or secured to be paid, by every parish affected by such alteration; and the sum to be received, if any, by such

parish, shall be paid, or, as the said commissioners shall direct, be secured to be paid to the overseers or guardians of the same, for the benefit of such parish, and in diminution of the rates thereof and of the expense attending such alteration; and the sum to be so paid or secured to be paid by every such parish shall be raised, under the direction of the said commissioners, by the overseers or guardians of such parish, or charged on the poor rates of such parish, as the said commissioners may see fit, and shall be paid or secured for the use and benefit of the union from which the same parish shall have been so separated, or of the persons or parishes otherwise entitled thereto, as the case may be: provided always, that no such dissolution or alteration of the parishes constituting any such union, nor any addition thereto as aforesaid, shall in any manner prejudice, vary, or affect the rights, or interests, of third persons, unless such third persons, by themselves or their agents, shall consent in writing to such dissolution or proposed alteration or addition; and that no such dissolution, alteration, or addition shall take place or be made, unless a majority of not less than two-thirds of the guardians of such union shall also concur therein; and in every such case, when the said majority of the guardians of such union shall so concur in such proposed alteration, the terms on which such concurrence shall have been given, if approved by the said commissioners, shall be

Dissolution or alteration not to affect rights of third parties,

not take place without the consent of guardians of parish.

binding and conclusive on the several parishes of such union.

Guardians of a union may agree that it be deemed one parish, for the purposes of settlement.

XXXIII. And be it further enacted, that in any union already formed or which may hereafter be formed in pursuance of or under the provisions of this act, it shall and may be lawful for the guardians elected by the parishes forming such union, (27) by any writing under the hands of all such guardians, to agree, subject to the approbation of the said commissioners, for or on behalf of the respective parishes forming such union, that for the purposes of settlement such parishes shall be considered as one parish; and in such case such agreement, having been first signed by the said guardians, shall be signed and sealed by the said commissioners, and one part thereof shall be deposited with the said commissioners, and a counterpart or counterparts thereof, signed by the said guardians, and signed and sealed by the said commissioners, deposited with the clerk of the peace of the county, riding, division, district, or liberty in which the parishes of such union shall be respectively situate; and the said clerk of the peace shall and is hereby required, upon the receipt of such agreement, or counterpart or counterparts thereof, to file the same with the records of such county, riding, division, district, or liberty; and from and after the depositing of the same as aforesaid the said agreement shall for

(27) See sect. 36, *post*.

ever thereafter be binding on each of such parishes, and shall not be revoked or annulled ; and the settlement of a poor person in any one of the parishes of such union, shall be considered, as between such parishes, a settlement in such union ; and the expense of maintaining, supporting, and relieving every such poor person, and all other expenses of maintaining, supporting, and relieving the poor to which any one of such parishes shall be liable after the depositing of such agreement, part or counterpart as aforesaid, or of ascertaining, litigating, or adjudging the settlement of any poor person in any of such parishes, shall form part of the general expenses and be paid out of the common funds of such union : provided always, that wherever such agreement is entered into as aforesaid, the rate or proportion of contribution to such common funds to be thereafter paid by each of the parishes of such union, shall be ascertained and fixed in like manner as in and by this act is provided for in cases where any union of parishes is made or proposed to be made under the provisions thereof, and shall not be subject to further variation.

XXXIV. And be it further enacted, that where the parishes of any union shall be situate within the same county, riding, division, district, or liberty, under the jurisdiction of the same justices of the peace, it shall and may be lawful for the guardians elected by the parishes(28) forming such

Guardians of a union may agree that it be deemed one parish, for the purpose of rating.

(28) See sect. 36, *post.*

Agreement or counterpart for such rating to be deposited with clerk of the peace.

union, by any writing under the hands of all such guardians, to agree, with the approbation of the said commissioners, for or on behalf of the respective parishes for which they shall so act as guardians, that, for the purposes of raising in common the necessary funds for the relief of the poor of such union, such parishes shall be considered one parish; and in such case such agreement, having been first signed by the said guardians, shall be signed and sealed by the said commissioners, and one part thereof deposited with the said commissioners, and a counterpart or counterparts thereof, signed by the said guardians, and signed and sealed by the said commissioners, deposited with the clerk of the peace of the county, riding, division, district, or liberty, counties, district, or districts, in which the said parishes of such union shall be situate; and the said clerk or clerks of the peace shall and is and are hereby required, upon the receipt of such agreement, part or counterpart, to file the same with the records of such county, riding, division, district or liberty, or counties, district or districts, and from and after the depositing and filing of such last-mentioned agreement or counterpart, the same shall be for ever binding upon such parishes, and shall not be revoked or annulled.

Guardians to ascertain and assess value of property.

XXXV. And be it further enacted, that from and after such depositing and filing of the said agreement, part or counterpart, the said guardians shall, under such regulations as the

said commissioners shall in that respect prescribe, proceed to ascertain and assess the value of the property in the several parishes of such union rateable to the relief of the poor, and to cause to be made such surveys and valuations of the said property, or any part thereof, as may be necessary, from time to time, to make a fair and just assessment upon the said united parishes in respect of such property so rateable as aforesaid; and all rates grounded on every such valuation or assessment shall be made, allowed, published, and recovered in such and the same manner as rates for the relief of the poor are now by law made, allowed, published, and recovered; and the ratepayers shall have the like power of appeal against such last-mentioned rates as any persons now have against rates made for the relief of the poor.

Rates grounded on such assessment to be allowed and published as poor rates.

XXXVI. And be it further enacted, that from and after any such common rate shall have come into operation, the proportions of contribution fixed at the period of uniting such parishes, or existing at the time of such last-mentioned agreement for a common rate, shall wholly cease; and all expenditure in respect of the poor of such union, or chargeable in any way on the poor rates of the respective parishes thereof, shall be deemed and be the common expenditure of such union, and be chargeable upon and paid out of the common or general fund to be raised upon such parishes under such common rate, according to the valua-

In such cases all expenditure for the poor to be in common.

Expense of valuation.

Proviso for consent of parishes not represented by guardian.

tion or assessment of the rateable property in such parishes so ascertained, confirmed, and allowed by the said justices from time to time in manner hereinbefore provided: provided always, that the expense of every such valuation shall at all times be a charge on the common rate of such parishes: provided always, that in case any parish of any union, at the period of entering into such agreement for the purposes of settlement (29) or a common rate, shall not be represented by a guardian elected solely by such parish, such parish shall not be bound by any such agreement, unless a majority of the owners of property and rate-payers in such parish, entitled to vote in the manner provided by this act, shall, by their votes in writing, testify their assent to such agreement, in such form as the said commissioners shall prescribe; and in case such assent shall not be so given, such parish shall be wholly omitted from such agreement, and be liable to pay such proportion only of the common assessment as it was bound to pay upon the forming of the union of such parishes.

No union to be so formed under stat. 22 G. 3, c. 83, without consent of commissioners.

XXXVII. And be it further enacted, that from and after the passing of this act, no union or incorporation of parishes shall be formed under the provisions of the said act made and passed in the twenty-second year of the reign of his late majesty King George the Third, without the

(29) See sect. 33, *ante*.

previous consent of the said commissioners testified under their hands and seal.

XXXVIII. And be it further enacted, that where any parishes shall be united by order or with the concurrence of the said commissioners for the administration of the laws for the relief of the poor, a board of guardians of the poor for such union shall be constituted and chosen, and the workhouse or workhouses of such union shall be governed, and the relief of the poor in such union shall be administered, by such board of guardians; and the said guardians shall be elected by the rate-payers, and by such owners of property in the parishes forming such union as shall in manner hereinafter mentioned require to have their names entered as entitled to vote as owners in the books of such parishes respectively; and the said commissioners shall determine the number and prescribe the duties of the guardians to be elected in each union, and also fix a qualification, without which no person shall be eligible as such guardian, such qualification to consist in being rated to the poor rate of some parish or parishes in such union, but not so as to require a qualification exceeding the annual rental of forty pounds, and shall also determine the number of guardians which shall be elected for any one or more of such parishes, having due regard to the circumstances of each such parish: provided always, that one or more guardians shall be elected for each parish included in such union; and such

Constitution
and election
of board of
guardians for
unions.

guardians, when so elected, shall continue in office until the twenty-fifth day of March next following their appointment, or until others are appointed in their stead, and on such twenty-fifth day of March, or if that day should fall on a Sunday or Good Friday, then on the day next following, or within fourteen days next after the said twenty-fifth day of March in every year, such guardians shall go out of office, and the guardians for the ensuing year shall be chosen; and in the event of any vacancy occurring in such board, by the death, removal or resignation, or refusal or disqualification to act of any elected guardian between the periods of such first and the next and any subsequent annual election, or in case the full number of guardians shall not be duly elected at such subsequent election of guardians for the time being, the other or remaining members of the said board shall continue to act until the next election, or until the completion of the said board, as if no such vacancy had occurred, and as if the number of such board were complete; and every justice of the peace residing in any such parish, and acting for the county, riding or division (a) in which the same may be situated,

(a) Upon these words, it became a question, whether, upon the formation of a new Union under the provisions of this Act, the Magistrates of a corporate town included in the proposed Union, could act as Guardians *ex officio* of such Union. The Commissioners, after consulting the Law Officers of the Crown, were of opinion that they could not: although by the 109th section of the Act, the words "Justices of the Peace" would include the Magistrates of a corporate town, yet to come within the 38th or 39th sections, Justices must be, not only resident within one of the parishes of the

shall be an *ex officio* guardian of such united or common workhouses, and shall, until such board of guardians shall be duly elected and constituted as aforesaid, and also, in case of any irregularity or delay in any subsequent election of guardians, receive and carry into effect the rules, orders, and regulations of the said commissioners; and after such board shall be elected and constituted as aforesaid, every such justice shall *ex officio* be and be entitled, if he think fit, to act as a member of such board, in addition to and in like manner as such elected guardians: provided always, that, except where otherwise ordered by the said commissioners, and also except for the purpose of consenting to the dissolution or alteration of any union or any addition thereto, or

No guardian to have power except at a local board, unless otherwise directed by the commissioners.

Union, but "acting for the county, riding or division in which the same may be situated,"—terms not legally applicable to the Magistrates of a corporate town. (*See Evans v. Stephens*, 4 Term R. 224. 459.) Besides, in the 43d section, where it was evidently intended to include, not only the Justices for counties, &c., but also the Magistrates of corporate towns, the Legislature describe them differently, namely, as Justices "acting in and for the county, place or jurisdiction," &c. And the board thought that this construction would equally apply, although the Union should consist entirely of the several parishes of a corporate town.

The Commissioners, however, (after also consulting the Law Officers of the Crown,) were inclined to think that the Justices of a county of a city were within the meaning of this section, although in this respect the section was not free from doubt. And if such Justices were to be considered as within it, the Commissioners thought that it made no difference whether the several parishes of the Union were all within such city, or some within it and some in the county adjoining; in both cases the Justices of the city might act as Guardians. And the same, in the case of a single parish in the county of a city, under the 39th section.—*P. L. C.*

Guardians
may be re-
elected.

to the formation of any union for the purposes of settlement or rating, no *ex officio* or other guardian of any such board as aforesaid shall have power to act in virtue of such office, except as a member and at a meeting of such board; and no act of any such meeting shall be valid unless three members shall be present and concur therein: provided also, that nothing herein contained shall prevent such owners and rate-payers from re-electing the same persons or any or either of them to be guardians for the year next ensuing, nor from electing as a guardian any person who may already have been chosen as a guardian of any other parish. (a)

(a) One of the late Law Officers of the Crown gave it as his opinion that a churchwarden or overseer of the poor was eligible to the office of guardian, and, if elected, might serve. This doctrine is inconvenient, to say the least of it. It is quite clear that one person cannot exercise the duties of both offices at the same time, for they are incompatible: the guardian may order, the overseer must obey, (*see sect. 95*); the overseer must account to the guardian, and the latter may allow or disallow his accounts. Besides, it is evidently the policy of the statute that the two offices should be kept distinct: to the guardians are entrusted the relief and management of the poor, but they have nothing to do with the collection of the rate; to the overseers is entrusted the collection of the rate, but they have nothing to do with the relief or management of the poor, except in some few excepted cases of emergency. If, therefore, the same person cannot execute both offices at the same time, can an overseer cease to act as such, upon his being elected guardian? If he did so, it would be at his peril, for if indicted for refusing to execute his office of overseer, it is submitted that it would be no legal defence that he had been elected a guardian, and had chosen to execute that office in preference to the other. As to churchwardens, they are by law overseers of the poor, by virtue of their office, (43 *El. c. 2. § 1*); and most of the above observations apply equally to them as to other overseers.

XXXIX. And be it further enacted, that if ^{The like for single pa-} the said commissioners shall, by any order under ^{riahes.} their hands and seal, direct that the administration of the laws for the relief of the poor of any single parish should be governed and administered by a board of guardians, (30) then such board shall be elected and constituted, and authorized and entitled to act, for such single parish, in like manner in all respects as is herein-before enacted and provided in respect to a board of guardians for united parishes; and every justice of the peace resident therein, and acting for the county, riding, or division in which the same is situated, shall be and may act as an ex officio member of such board.

XL. And be it enacted, that in all cases of ^{At elections of guardians votes to be taken in writing, and owners as well as occupiers to vote.} the election of guardians under this act, or where-ever the consent of the owners of property or rate-payers in any parish or union shall be required for any of the purposes of this act, except when otherwise expressly provided for in this act, the votes of such owners and rate-payers shall be given or taken in writing, collected, and returned, in such manner as the said commissioners shall direct; and in every such case the owner, as well as the rate-payer, in respect of any property in such parish or union, shall be entitled to vote, and the owner shall have the same number

(30) See stat. 22 G. 3, c. 83, s. 3, and 33 G. 3, c. 35, ss. 1, 2.

and proportion of votes respectively as is provided for inhabitants and other persons in and by an act made and passed in the fifty-eighth year of

58 G. 3, c. 69. the reign of his said late Majesty King George the Third, intituled, "An Act for the Regulation of Parish Vestries," and in and by an act to amend the same, made and passed in the fifty-ninth year of his said late majesty; and the rate-payers under two hundred pounds shall each have a single vote: and the rate-payers rated at two hundred pounds or more, but under four hundred pounds, shall each have two votes, and the rate-payers rated at four hundred pounds or more, shall each have three votes; and the majority of the votes of such owners and rate-payers which shall be actually collected and returned shall in every such case be binding on such parish; and for the purpose of ascertaining the number of votes to which each such owner shall be entitled, the aggregate amount of the assessment for the time being of any property belonging to such owner in such parish, or on any person or persons in respect of the same, to the poor rate, shall be deemed to be and be taken as the annual value of such property to such owner; and where any such owner shall be the bonâ fide occupier of any such property, he shall be entitled to vote as well in respect of his

Scale of voting.

Votes may be given by proxy.

occupation as of his being such owner: provided always, that it shall be lawful for any owner from time to time, by writing under his hand, to

appoint any person to vote as his proxy; and every such appointment shall remain in force until revoked or recalled by such owner; but no owner shall be entitled to vote, either in person or proxy, unless he shall, previous to the day on which he shall claim to vote, have given a statement in writing of his name and address, and the description of the property in the parish as owner whereof, or proxy for the owner whereof, he claims to vote, and if such proxy, the original or an attested copy of the writing appointing him such proxy, to the overseers of such parish; and the said overseers are hereby required to enter in the rate books of such parish, or in some other book to be from time to time provided for that purpose, the names and addresses of the owners and proxies who shall send such statements, and the assessment of the rate for the relief of the poor of the property in respect whereof they respectively claim to vote: provided also, that every person who shall not vote, or who shall not comply with the directions to be made by the said commissioners for the giving, taking, or returning of votes, shall be omitted in the calculation of votes, and considered as having had no vote on the question whereon he might have voted: provided also, that no person shall be deemed a rate-payer, or be entitled to vote, or do any other act, matter, or thing as such, under the provisions of this act, unless he shall have been rated to the relief of the poor for the whole

No rate-payer
to vote unless
rated one
year.

year immediately preceding his so voting or otherwise acting as such rate-payer, and shall have paid the parochial rates and assessments made and assessed upon him for the period of one whole year, as well as those due from him at the time of so voting or acting, except such as shall have been made or become due within the six months immediately preceding such voting or acting: provided always, that in cases of property belonging to any corporation aggregate, or to any joint stock or other company, no member of such corporation, or proprietor of or interested in such joint stock or other company, shall be entitled to vote as such owner in respect thereof; but any officer of such corporation, joint stock, or other company, whose name shall be entered by the direction of the governing body of such corporation or company in the books of the parish, in the manner herein-before directed with respect to the owner of property, shall be entitled to vote in respect of such property in the same manner as if he were the owner thereof.

Elections of guardians, visitors, and other officers under the act 22 G. 3, c. 83, or any local act, to be made according to the provisions of this act.

XLI. And be it further enacted, that all elections of guardians, visitors, and other officers, for the execution of any of the powers or purposes of the said recited act made and passed in the twenty-second year of the reign of his said late majesty king George the Third, intituled "An Act for the better Relief and Employment of the Poor," or of any local act of parliament re-

lating to poorhouses, workhouses, or the relief of the poor, or any act to alter, or amend the same respectively, shall hereafter, so far as the said commissioners shall direct, be made and conducted according to the provisions of this act: provided always, that it shall be lawful for the said commissioners, if they shall so think fit, from time to time, with the consent of the majority of the owners of property and rate-payers of any parish, or of any union now existing or to be formed under the provisions of this act, to alter the period for which the guardians to be appointed under the provisions of this act for such parish or union, or any of them, would under the provisions of this act hold office, for such other period or periods as to the said commissioners, with such consent as aforesaid, shall seem expedient, and also to make such alterations in the number, mode of appointment, removal, and period of service of the guardians, or any of them, of any parish, or of any union now existing or to be formed under the provisions of this act, as to the said commissioners, with such consent as aforesaid, shall seem expedient.

XLII. And be it further enacted, that the said commissioners may and are hereby authorized, by writing under their hands and seal, to make rules, orders, and regulations, (31) to be ob-

Commissioners may make rules, &c. for present or future workhouses, and vary bye-laws already in force or to be made hereafter.

(31) See sect. 15 and 19, *ante*.

served and enforced at every workhouse already established by virtue of the said recited act made and passed in the twenty-second year of the reign of his said late Majesty King George the Third, intituled "An Act for the better Relief and Employment of the Poor,"(32) or any general or local act of parliament, or hereafter to be established by virtue of such acts or of any of them or of this or any other act of parliament relating to the relief of the poor, for the government thereof, and the nature and amount of the relief to be given to and the labour to be exacted from the persons relieved, and the preservation therein of good order, and from time to time to suspend, alter, vary, amend, or rescind the same, and make any new or other rules, orders, and regulations, to be observed and enforced as aforesaid, as they from time to time shall think fit, and to alter, at their discretion, any of the rules, orders, and regulations contained in the schedule to the said recited act, and also to alter or rescind any rules, orders, and regulations heretofore made in pursuance of the said recited act, or any local act of parliament relating to workhouses or the relief of the poor:(33) and that all rules, orders, and regulations to be from time to time made by the said commissioners under the authority of this act shall be valid and binding, and shall be obeyed and observed as if the same were specifically made by and embodied in this act; subject,

(32) Stat. 22 Geo. 3, c. 83. (33) See sect. 22, *ante*.

Workhouses.

nevertheless, to the said power of the said commissioners from time to time to rescind, amend, suspend, or alter the same: provided always, that if any such rule, order, or regulation shall be, at the time of issuing the same, directed to and affect more than one union, the same shall be considered as a general rule, and subject and liable to all the provisions in this act contained respecting general rules.

Rules, &c. affecting more than one union to be deemed general rules.

XLIII. And be it further enacted, that where any rules, orders, or regulations, or any bye-laws, shall be made or directed by the said commissioners to be observed or enforced in any workhouse, it shall and may be lawful for any justice of the peace acting in and for the county, place, or jurisdiction in which such workhouse shall be situate, to visit, inspect, and examine such workhouse at such times as he shall think proper, for the purpose of ascertaining whether such rules, orders, regulations, or bye-laws, are or have been duly observed and obeyed in such workhouse, as well as for such other purposes as justices are now authorized to visit workhouses under and by virtue of a certain act made and passed in the thirtieth year of the reign of his said late Majesty King George the Third, intituled "An Act to empower justices and other persons to visit parish workhouses or poorhouses, and examine and certify the state and condition of the poor therein to the quarter sessions;" and if in the

Justices empowered to see the rules, &c. of the commissioners enforced in workhouses.

30 G. 3, c. 49.

The power
given by 30
G. 3, c. 49, to
justices, &c.
to visit work-
houses, re-
served where
commission-
ers' rules, &c.
are not in
force.

opinion of such justice such rules, orders, regulations, or bye-laws, or any of them, have not been duly observed and obeyed in such workhouse, it shall be lawful for such justice to summon the party offending in such respect to appear before any two justices of the peace, to answer any complaint touching the non-observance of such rules, orders, regulations, and bye-laws, or any of them, and upon conviction before such two justices of the party so offending, such party shall forfeit and be liable to such penalties and punishments as are hereinafter(34) prescribed and provided against parties wilfully neglecting or disobeying the rules, orders, or regulations of the said commissioners: provided always, that where no such rules, orders, regulations, or bye-laws, shall have been directed by the said commissioners to be enforced and observed in the workhouse of any parish, nothing in this act contained shall be construed to restrain or prevent any justice of the peace, physician, surgeon, or apothecary, or the officiating clergyman of any parish, from visiting such workhouse, and examining and certifying the state and condition of the same, and of the poor therein, in such manner as they or any of them are authorized to do in and by the said last-recited act.

Buildings
taken for
workhouses,
to be within

XLIV. Whereas the jurisdiction of certain cities, boroughs, and corporate towns, is not al-

(34) In sect. 98.

ways co-extensive with the parish in which it exists; be it therefore enacted, that every house or building which shall be erected, purchased, or hired as and for a workhouse, together with all premises and appurtenances thereto belonging, and the land or lands occupied therewith, shall be deemed and held to be within and subject to the local jurisdiction of such incorporated city, borough, or town to which they may respectively belong, though the same may be situated in such part of the respective parishes as may not be within the chartered boundaries thereof.

the jurisdiction of the place to which they belong, though situated without.

XLV. And be it further enacted, that nothing in this act contained shall authorize the detention in any workhouse of any dangerous (35) lunatic, insane person, or idiot, for any longer period than fourteen days; and every person wilfully detaining in any workhouse any such lunatic, insane person, or idiot, for more than fourteen days, shall be deemed guilty of a misdemeanor: provided always, that nothing herein contained shall extend to any place duly licensed for the reception of lunatics and other insane persons, or to any workhouse being also a county lunatic asylum.

No dangerous lunatic, insane person, or idiot, to be detained in a workhouse more than fourteen days.

XLVI. And be it further enacted, that it shall be lawful for the said commissioners, as and when

Commissioners may direct overseers and guardians to

(35) The Commissioners, after consulting the Law Officers of the Crown, have given it as their opinion that this word "dangerous" applies equally to insane persons and idiots, in the above section, as to lunatics, and that no penalty attaches to the detention in the workhouse of insane persons, idiots or lunatics, who are not dangerous.—P.L.C.

appoint paid
officers for
parishes or
unions;

and fix their
duties, and
the mode of
appointment
and dismissal,
and the secu-
rity;

and regulate
their salaries.

they shall see fit, by order under their hands and seal, to direct the overseers or guardians of any parish or union, or of so many parishes or unions as the said commissioners may in such order specify and declare to be united for the purpose only of appointing and paying officers, to appoint such paid officers (36) with such qualifications as the said commissioners shall think necessary for superintending or assisting in the administration of the relief and employment of the poor, and for the examining and auditing, allowing or disallowing of accounts in such parish or union, or united parishes, and otherwise carrying the provisions of this act into execution; and the said commissioners may and they are hereby empowered to define and specify and direct the execution of the respective duties of such officers, and the places or limits within which the same shall be performed, and direct the mode of the appointment and determine the continuance in office or dismissal of such officers, and the amount and nature of the security to be given by such of the said officers as the said commissioners shall think ought to give security, and, when the said commissioners may see occasion, to regulate the amount of salaries payable to such officers respectively, and the time and mode of payment thereof, and the proportions in which such respective parishes or unions shall contribute to such payment; and such salaries shall be charge-

(36) As to the meaning of the word "officers" here, see sect. 109, *post*.

able upon and payable out of the poor rates of such parish or union, or respective parishes, in the manner and proportions fixed by the said commissioners, and shall be recoverable against the overseers or guardians of such parish or union, or parishes, by all such ways and means as the salaries of assistant overseers or other paid officers of any parish or union are recoverable by law ; and all such payments shall be valid, and shall be allowed in the accounts of the overseers or guardians paying the same.

XLVII. And be it further enacted, that every overseer, treasurer, or other person having the collection, receipt, or distribution of the monies assessed for the relief of the poor in any parish or union, or holding or accountable for any balance or sum of money, or any books, deeds, papers, goods, or chattels relating to the relief of the poor, or the collection or distribution of the poor rate of any parish or union, shall once in every quarter, in addition to the annual account now by law required, and where the rules, orders, and regulations of the said commissioners shall have come in force, then as often as the said rules, orders, and regulations shall direct, but not less than once in every quarter, make and render to the guardians, auditors, or such other persons as by virtue of any statute or custom, or of the said rules, orders, or regulations, may be appointed to examine, audit, allow, or disallow such accounts, or in default of any such guardian, auditor, or

Overseers,
&c. to pass
accounts
quarterly.

other person being so appointed as aforesaid, then to the justices of the peace at their petty sessions for the division in which such parish or union shall be situate, a full and distinct account in writing of all monies, matters, and things committed to their charge, or received, held, or expended by them on behalf of any such parish or union, and if thereunto required by the justices, guardians, auditors, or other persons authorized in that behalf, shall verify on oath the truth of all such accounts and statements from time to time respectively, or subscribe a declaration to the truth thereof, in manner and under the penalties in this act provided for parties giving false evidence or refusing to give evidence under the provisions of this act; (37) and all balances due from any guardian, treasurer, overseer or assistant overseer, or other person having the control and distribution of the poor rate, or accountable for such balances, may be recovered in the same manner as any penalties and forfeitures are recoverable under this act: (38) provided nevertheless, that no such proceeding shall exonerate or discharge the liability of the surety of any such treasurer, overseer, assistant overseer, or other person as aforesaid.

Recovery of
balances.

Surety not to
be dis-
charged.

Masters of
workhouses
and other
paid officers
removable by
the commis-
sioners.

XLVIII. And be it further enacted, that the said commissioners may and they are hereby authorized and empowered, as and when they shall think proper, by order under their hands and seal,

(37) In sect. 13, *ante*.

(38) By sect. 99, *post*.

either upon or without any suggestion or complaint in that behalf from the overseers or guardians of any parish or union, to remove any master of any workhouse, or assistant overseer, or other paid officer of any parish or union whom they shall deem unfit for or incompetent to discharge the duties of any such office, or who shall at any time refuse or wilfully neglect to obey and carry into effect any of the rules, orders, regulations, or bye-laws of the said commissioners, whether such union shall have been made or such officer appointed before or after the passing of this act, and to require from time to time the persons competent in that behalf to appoint a fit and proper person in his room ; and that any person so removed shall not be competent to be appointed to or to fill any paid office connected with the relief of the poor in any such parish or union, except with the consent of the said commissioners under their hands and seal : provided always that no person shall be eligible to hold any parish office, or have the management of the poor in any way whatever, who shall have been convicted of felony, fraud, or perjury.

XLIX. And be it further enacted, that any contract which shall be entered into by or on behalf of any parish or union, for or relating to the maintenance, clothing, lodging, employment, or relief of the poor, or for any other purpose relating to or connected with the general management of the poor, which shall not be made and

Contracts not to be valid unless conformable to the rules of commissioners.

entered into in conformity with the rules, orders, or regulations of the said commissioners in that behalf in force at the time of making and entering into the same, or otherwise sanctioned by them, shall be voidable, and, if the said commissioners shall so direct, shall be null and void; and all payments made under or in pursuance of any contract not made and entered into in conformity with such rules, orders, or regulations, at any period after the said commissioners shall have declared the same to be null and void as afore-said, shall be disallowed in passing the accounts of the overseer, guardian, or other officer by whom such payments shall have been made.

Repeal of 45
G. 3, c. 54, as
to contracts.

L. And be it further enacted, that from and after the passing of this act a certain act made and passed in the forty-fifth year of the reign of his said late Majesty King George the Third, intituled "An Act to amend an Act made in the ninth year of King George the First, for amending the laws relating to the settlement, employment, and relief of the Poor, so far as the same respects Contracts to be entered into for the Maintenance and Employment of the Poor," shall be and the same is hereby repealed: Provided always, that nothing in this act contained shall extend or be construed to extend to affect or make void any bond or other security which shall have been entered into or given before the passing of this act, under or in pursuance of the provisions of the said act hereby repealed.

LI. And be it further enacted, that so much of a certain act made and passed in the fifty-fifth year of the reign of his said late majesty King George the Third, intituled "An Act to prevent poor Persons, in Workhouses from embezzling certain Property provided for their Use; to alter and amend so much of an Act of the thirty-sixth year of his present Majesty as restrains Justices of the Peace from ordering Relief to poor Persons in certain cases for a longer Period than one Month at a time; and for other purposes therein mentioned, relating to the Poor," as inflicts a penalty on persons having the management of the poor if concerned in providing or in any contract for the supply of any goods, materials, or provisions for the use of any workhouse or workhouses, or otherwise for the support or maintenance of the poor for their own profit, and all remedies for the recovery of such penalties, shall apply, and the same are hereby extended and made applicable to every commissioner, assistant commissioner, guardian, treasurer, master of a workhouse, or other officer to be appointed under the provisions of this act. (39)

The penalty imposed by 55 G. 3, c. 137, on overseers, &c. being concerned in any contract relating to the poor, extended to persons appointed under this act.

LII. And whereas a practice has obtained of giving relief to persons or their families, who, at the time of applying for or receiving such relief, were wholly or partially in the employment of

Commissioners to regulate the relief to able-bodied paupers and their families out of the workhouse.

individuals, and the relief of the able-bodied and their families is in many places administered in modes productive of evil in other respects; and whereas difficulty may arise in case any immediate and universal remedy is attempted to be applied in the matters aforesaid; be it further enacted, that from and after the passing of this act it shall be lawful for the said commissioners, by such rules, orders, or regulations as they may think fit, to declare to what extent and for what period the relief to be given to able-bodied persons or to their families in any particular parish or union may be administered out of the workhouse of such parish or union, by payments in money, or with food or clothing in kind, or partly in kind and partly in money, and in what proportions, to what persons or class of persons, at what times and places, on what conditions, and in what manner such out-door relief may be afforded; and all relief which shall be given by any overseer, guardian, or other person having the control or distribution of the funds of such parish or union, contrary to such orders or regulations, shall be, and the same is hereby declared to be unlawful, and shall be disallowed in the accounts of the person giving the same, subject to the exceptions hereinafter mentioned: provided always, that in case the overseers or guardians of any parish or union to which such orders or regulations shall be addressed or directed shall, upon consideration of the special circum-

Relief contrary to their regulations to be disallowed;

But overseers may delay the operation of such regulations under special circumstances, and make report thereof to commissioners.

stances of such parish or union, or of any person or class of persons therein, be of opinion that the application and enforcing of such orders or regulations, or of any part thereof, at the time or in the manner prescribed by the said commissioners, would be inexpedient, it shall be lawful for such overseers or guardians to delay the operation of such orders or regulations, or of any part thereof, for any period not exceeding the space of thirty days, to be reckoned from the day of the receipt of such orders or regulations; and such overseers or guardians shall, twenty days at the least before the expiration of such thirty days, make a statement and report of such special circumstances to the said commissioners; and all relief which shall be given by such overseers or guardians, before an answer to such report shall have been returned by the said commissioners, if otherwise lawful, shall not be deemed unlawful, although the same shall have been given contrary to such orders or regulations, or any of them; but in case the said commissioners shall disapprove of such delay, or think that for the future such orders or regulations ought to come into operation, notwithstanding the special circumstances alleged by such overseer or guardian, it shall be lawful for the said commissioners, by a peremptory order, to direct that from and after a day to be fixed thereby such orders and regulations, or such parts or modifications thereof as they may think expedient and proper, shall be

If commissioners disapprove of delay, they may fix a day from which all such relief shall be disallowed.

Relief out of the Workhouse.

Proviso in
cases of
emergency.

enforced and observed by such overseers and guardians ; and if any allowance be made or relief given by such overseers or guardians after the said last-mentioned period, contrary to any such last-mentioned order, the amount of the relief or allowance so given shall be disallowed in the accounts of the party giving the same : provided also, that a quarterly report of all such cases as shall occur in any quarter shall, at the end of every such quarter, be laid by the said commissioners before one of his majesty's principal secretaries of state : provided also, that in case the overseers or guardians of any parish or union in which such orders or regulations shall be in force shall depart from them or any of them in any particular instance or instances of emergency, and shall within fifteen days after every such departure report the same and the grounds thereof to the said commissioners, and the said commissioners shall approve of such departure, or if the relief so given shall have been given in food, temporary lodging, or medicine, and shall have been so reported as aforesaid, then and in either of such cases the relief granted by such overseers or guardians, if otherwise lawful, shall not be unlawful or subject to be disallowed. (40)

(40) By stat. 9 Geo. 1, c. 7, s. 4, which first established workhouses, it was enacted, that in all parishes having a workhouse, if a pauper, on becoming chargeable, should refuse to go into it, he should not be entitled to relief. This was afterwards deemed inconvenient and oppressive to the poor, and by stat. 36 Geo. 3, c. 23, justices were

LIII. And be it further enacted, that an act ^{Repeal of} passed in the thirty-sixth year of the reign of ^{26 G. 3, c. 23,} his late majesty King George the Third, inti- ^{55 G. 3, c. 137,} tuled "An Act to amend so much of an Act ^{s. 3 & 4, and} made in the ninth year of the reign of King ^{59 G. 3, c. 12,} George the First, intituled 'An Act for amend- ^{s. 2 & 5.} ing the Laws relating to the Settlement, Employ- ment, and Relief of the Poor,' as prevents the distributing occasional Relief to poor Persons in their own Houses, under certain circumstances and in certain cases;" and so much of an act made and passed in the fifty-fifth year of the reign of his late majesty King George the Third, intituled "An Act to prevent poor Persons in Workhouses from embezzling certain Property

authorized to order relief to poor persons in their dwellings, during any time not exceeding a month; and by stat. 55 Geo. 3, c. 137, s. 3, this time was extended to six months, and the justices might renew the order from time to time as they thought fit. This, on the other hand, led to the practice of relieving, not only able-bodied persons who were unemployed, but those also who were in employment, but whose wages were thought to be insufficient for the maintenance of themselves and families. The result of this was, in many instances, an indifference on the part of the poor, whether they were employed or not, or at what wages,—a state of things at once prejudicial to the rate-payer and to the poor themselves. These two last-mentioned statutes are therefore now repealed by the next section of the act. But because some inconvenience, and perhaps danger, might be apprehended if such a mode of relief were suddenly to cease, it has been thought prudent, by the above section, to vest in the commissioners a discretionary power to order such relief to be given, in such cases and under such circumstances as they shall deem fit. The only exceptions to this, (at least in parishes having workhouses,) are, the instance mentioned in the 27th section, and the two instances mentioned in the 54th section, in which justices are enabled to order relief, under particular circumstances, to persons residing out of the workhouse.

provided for¹ their use, to alter and amend so much of an Act of the thirty-sixth year of his present Majesty as restrains Justices of the Peace from ordering Relief to poor persons in certain cases for a longer period than One Month at a time, and for other purposes therein mentioned relating to the Poor," as extends the period for which occasional relief may be ordered by any justice or justices to poor persons at their own homes; and so much of the said act made and passed in the fifty-ninth year of the reign of his late majesty King George the Third, intituled "An Act to amend the Laws for the Relief of the Poor," as empowers any justice or justices to order relief in certain cases for a limited time, or in cases of urgent necessity, or in cases where parishes are under the management of guardians, governors, or directors appointed by special or local acts, or in cases where parishes have not a select vestry, shall be and the same are hereby repealed.

Where guardians or select vestry, no relief to be given but by them or by their order, &c.

1 & 2 W. 4,
c. 60.

LIV. And be it further enacted, that from and after the passing of this act the ordering, giving, and directing of all relief to the poor of any parish which, according to the provisions of any of the said recited acts, or of an act passed in the first and second years of the reign of his present majesty, intituled "An Act for the better regulating of Vestries, and for the appointment of Auditors of Accounts in certain Parishes in England and Wales," or of this act, or of any local

acts, shall be under the government and control of any guardians of the poor, or of any select vestry, and, whether forming part of any union or incorporation or not, (but subject in all cases to, and, saving and excepting the powers of, the said commissioners appointed under this act,) shall appertain, and belong exclusively to such guardians of the poor, or select vestry, according to the respective provisions of the acts under which such guardians or select vestry may have been or shall be appointed; and it shall not be lawful for any overseer of the poor to give any further or other relief or allowance from the poor rate than such as shall be ordered by such guardians or select vestry, except in cases of sudden and urgent necessity, in which cases he is hereby required to give such temporary relief as each case shall require, in articles of absolute necessity, but not in money, and whether the applicant for relief be settled in the parish where he shall apply for relief or not: provided always, that in case such overseer shall refuse or neglect to give such necessary relief in any such case of necessity to poor persons not settled nor usually residing in the parish to which such overseer belongs, it shall and may be lawful for any justice of the peace to order the said overseer, by writing under his hand and seal, to give such temporary relief in articles of absolute necessity, as the case shall require, but not in money; and in case such overseer shall disobey such order, he shall, on conviction before two justices, forfeit any sum

Except in case of sudden and urgent necessity.

Any justice may order medical relief in sudden and dangerous illness.

not exceeding five pounds which such justices shall order: provided always, that any justice of the peace shall be empowered to give a similar order for medical relief (only) to any parishioner, as well as out-parishioner, (41) where any case of sudden and dangerous illness may require it; and any overseer shall be liable to the same penalties as aforesaid for disobeying such order; but it shall not be lawful for any justice or justices to order relief to any person or persons from the poor-rates of any such parish, except as hereinbefore provided. (42)

Masters of workhouses and overseers to keep registers.

LV. And be it enacted, that from and after the passing of this act the master of every workhouse, or such other paid officer of the parish or union as the said commissioners may direct, shall, on such day and in such form as the said commissioners shall appoint, take an account of, and register in a book to be provided at the expense of the parish or union to which such workhouse shall belong, and to be kept specially for that

(41) It is not very clear what is meant by this term "out-parishioner," whether it means a person settled in the parish, but residing out of it, or not settled in it, nor usually residing in it, but happening to be there temporarily at the time the medical relief is required. Judging from the clause immediately preceding this in the same section, it should seem that in the latter sense it is here used.

(42) This section has the effect of taking from magistrates the power of ordering relief, in all places where the poor are under the management of guardians or a select vestry, except in the two cases above mentioned, and in the other instance mentioned in the 27th section, ante.

purpose, the name of every poor person who shall on such days be in the receipt of relief at or in such workhouse, together with such particulars respecting the families and settlement of every such poor person, and his and their relief and employment, as the said commissioners shall think fit; and in like manner, on such day as the said commissioners shall appoint, the overseer of the poor of every such parish shall register in a book, to be provided and kept as aforesaid, the name of every poor person then in the receipt of relief in such parish out of the workhouse, together with such particulars respecting the family and settlement of every such poor person, and his and their relief and employments, as the said commissioners shall think fit; and after such account shall have been so taken and registered as aforesaid, a similar register and account shall be kept by the like persons respectively of all persons who shall receive relief at or in or out of a workhouse, when and as often as such relief shall be granted.

LVI. And be it further enacted, that from and after the passing of this act all relief given to or on account of the wife, or to or on account of any child or children under the age of sixteen, not being blind or deaf and dumb, shall be considered as given to the husband of such wife, or to the father of such child or children, as the case may be, and any relief given to or on ac-

Poor persons
liable for
relief to wife
or children.

count of any child or children under the age of sixteen of any widow, shall be considered as given to such widow: provided always, that nothing herein contained shall [discharge the father and grandfather, mother and grandmother, of any poor child, from their liability to relieve and maintain such poor child in pursuance of the provisions of a certain act of parliament passed in the forty-third year of the reign of
 43 Eliz. c. 2. her late majesty Queen Elizabeth, intituled "An Act for the Relief of the Poor." (43)

Husband
 liable to main-
 tain children
 of wife born
 before mar-
 riage.

LVII. And be it further enacted, that every man who from and after the passing of this act shall marry a woman having a child or children at the time of such marriage, whether such child or children be legitimate or illegitimate, shall be liable to maintain such child or children as a part of his family, and shall be chargeable with all relief, or the cost price thereof, granted to or on account of such child or children, until such child or children shall respectively attain the age of sixteen, or until the death of the mother of such child or children; and such child or children shall, for the purposes of this act, be deemed a part of such husband's family accordingly. (44)

(43) See sect. 71, *post*; and see stat. 59 G. 3, c. 12, s. 26.

(44) The effect of this clause is, to render the husband punishable under the vagrant act, as an idle and disorderly person, if he refuse to support the wife's children. Before this statute, a husband was not bound to maintain the illegitimate children of his wife by another man. As to her legitimate children, it was at one time holden that he was bound

LVIII. And be it further enacted, that from Relief by way of loan.
and after the passing of this act any relief, or the

to provide for them, (*Rex v. St. Botolph's Aldgate, Foley, 42; Rex v. Clentham, Foley, 39*); but all the more modern cases are otherwise. (See *Rex v. Benoite, 1 Bott, 379. Case of Woodford and Lilburn, 1 Bott, 379; Tubb v. Harrison, 4 Term R. 118; Cooper v. Martin, 4 East, 76.*)

Questions of some nicety and difficulty are likely to arise upon this section. Supposing a woman, having children, whose place of settlement is in A., marries a man settled in B., and afterwards, whilst the children are above seven but under sixteen years of age, they all become chargeable to the parish of C., the man having no property, and really not being able to maintain them: Can C. remove the children to A., and the man and his wife to B., or must they all be removed to B., as the place of the man's settlement? Or supposing that all should be removed to B., on the ground that it seems to have been the intention of the Legislature, by this section, that the children shall not be separated from the father and mother until they attain the age of sixteen,—can the parish of B. obtain an order upon the parish of A. to reimburse them the expense incurred by them in the maintenance of the children, during the time their stepfather was not able to maintain them, in analogy to the orders for reimbursement granted previously to this act, where a mother and her children, having different settlements, were relieved or maintained by the parish in which she was settled?

Upon this subject the Poor Law Commissioners have expressed an opinion, that the parish where the husband is settled is bound to relieve or maintain the children, as well as the husband and wife. The act makes the children part of the husband's family, and makes him chargeable with the cost of any relief given to them: he has thus an obligation cast upon him, and his inability to discharge it becomes his ground for applying for relief; and the relieving him from this obligation is a relief to him; therefore the burthen of this relief appears properly to attach to the parish to which he belongs. That the intention of the Legislature evidently was to simplify the law, and also to prevent the children from being separated from the mother and her husband before they attain the age of sixteen; and in both respects the intention would be defeated if the husband's parish were not bound to relieve and maintain the children; for in such a case, if the children became chargeable, they would necessarily be removed and separated from their mother and her husband. That the act does not in any manner alter the settlement of the children; it merely suspends the liability of their parish, which liability, however, revives upon the

cost price thereof, which shall be given to or on account of any poor person above the age of twenty-one, or to his wife, or any part of his family under the age of sixteen, and which the said commissioners shall by any rule, order, or regulation declare or direct to be given or considered as given by way of loan, and whether any receipt for such relief, or engagement to repay the same, or the cost price thereof, or any part thereof, shall have been given or not by the person to or on account of whom the same shall have been so given, shall be considered and the same is hereby declared to be a loan to such poor person. (45)

Power to
justices to
attach wages
in hands of
master or
employer, in
repayment of
such loan.

LIX. And be it further enacted, that in all cases where any relief shall have been given by way of loan, or where any relief, or the cost price thereof, shall be treated as a loan, under the rules, orders, and regulations of the said commissioners, or the provisions of this act, it shall be lawful for any justice, upon the application of the overseers or guardians of the parish or union providing such relief, and upon proof of the same having been given to or on account of death of the mother or her husband, or upon the children attaining the age of sixteen.

The Commissioners also have expressed an opinion that the marriage of the mother of a bastard child suspends the liability of the putative father under any order of filiation, and substitutes for it that of the husband; but the liability of the putative father is afterwards revived upon the death of the mother, &c., and he then again becomes chargeable upon the old order.

P. L. C.

(45) See stat. 59 Geo. 3, c. 12, s. 29.

any such person, his wife or family, as aforesaid, and of the same, or any part thereof, still remaining due, to issue a summons, requiring such person, as well as the master or employer of such person, or some person on his behalf, to appear before any two justices, at a time and place to be named in such summons, to show cause why any wages due, or which may from time to time become due, from such master or employer, should not be paid over, in whole or in part, to such overseers or guardians; and if no sufficient cause be shown to the contrary, or if such person, or some one on his behalf, shall not appear on the return of such summons, then the said justices shall, by order under their hands, direct the master or employer for the time being, from whom any wages shall be due or from time to time become due or payable to such poor person, to pay, either in one sum, or by such weekly or other instalments as the said justices shall in their discretion think fit, taking into consideration the circumstances of such poor person and his family, out of such wages, to such overseers or guardians, the amount of such relief, or so much thereof as shall from time to time be due or unpaid; and the payment to and receipt of any such overseer or guardian shall be a good discharge to such master or employer for so much of any such wages as shall be so paid by virtue of any such order; and if any such master or employer shall refuse or neglect to pay to the

Mode of proceeding against mas-

ters for re-
covery there-
of.

overseer or guardian producing any such order the money thereby directed to be paid, according to the terms of such order, and at the periods thereby fixed for such payment, the same may be levied and recovered, and the payment thereof from time to time enforced against such master or employer, in such and the like manner as penalties and forfeitures are recoverable under this act. (46)

(46) By sect. 99, *post*. Previously to this act, where relief was thus given by way of loan, two justices, upon an application of the overseers of the parish, might at any time summon the party before them; and if it appeared upon examination that he was able to pay the money by instalments or otherwise, they might make an order requiring him to do so; and afterwards, upon default made, he might be committed for any time not exceeding three months, unless the amount were sooner paid, (stat. 59 Geo. 3, c. 12, s. 29.) And justices may still proceed in this way.

The following may be the form of the summons and order, &c. mentioned in the above section :—

SUMMONS.

Berkshire. To J. S. of —, in the said county, labourer, and to J. N. of the same place, farmer.

Whereas A. B. and C. D. the overseers of the poor of the parish of —, have stated and duly proved before me J. P. one of his Majesty's justices of the peace for the county aforesaid, that you the said J. S. have at divers times between the — day of — and the — day of — received from the overseers of the said parish several sums of money, amounting in the whole to the sum of —, as relief by way of loan, according to the form of the statute in such case made and provided, which said sum of — now remains due and unpaid; and whereas they have further stated before me that you the said J. S. are now in the service of you the said J. N. as servant in husbandry at certain [weekly] wages: These are therefore to require you the said J. S. and you the said J. N., or some person on your behalf, to appear before G. N. and H. O. esquires, two of his Majesty's justices of the peace for the said county, at —, in the said county, on [Wednesday] next, the — day of — instant, at the hour of eleven in the forenoon of the same day, to show cause why

LX. And be it further enacted, that from and after the passing of this act so much of an act passed in the forty-third year of the reign of his

Repeat of so much of 43 G. 3, c. 47, as requires relief to be given to

any wages now due, or which may hereafter from time to time become due from the said J. N. to the said J. S. should not be paid over in whole or in part, to the said overseers. Herein fail you not. Given under my hand and seal the — day of —, in the year of our Lord —. J. P.

It may be either served personally, or left for the parties at their usual or last known place of abode respectively. See sect. 82, post.

ORDER.

Berkshire, to wit: Whereas heretofore, on the — day of —, A. B. and C. D. overseers of the poor of the parish of —, stated and duly proved before J. P. one of his Majesty's justices of the peace for the said county, that J. S. of — in the said county, labourer, had at divers times between the — day of — and the — day of — received from the overseers of the said parish several sums of money, amounting in the whole to the sum of —, as relief by way of loan, and which said sum of — then remained due and unpaid, and also it then being stated to the said J. P. that the said J. S. was then in the service of the said J. N. as servant in husbandry, at certain weekly wages, the said J. P. thereupon granted his summons, according to the statute in that case made and provided, requiring the said J. S. and the said J. N. or some person on his behalf, to appear before us, G. N. and H. O., two of his Majesty's justices of the peace for the said county, to show cause why any wages then due, or which might thereafter from time to time become due from the said J. N. to the said J. S. should not be paid over, in whole or in part, to the said overseers. And the said J. S. and J. N. being now here before us the said G. N. and H. O. two of his Majesty's justices of the peace for the said county as aforesaid, and it being now duly proved before us in the presence and hearing of the said J. S. and J. N. [or admitted by the said J. S.] that the said several sums of money, amounting altogether to the sum of — aforesaid, was so advanced by the overseers of the said parish to the said J. S. by way of loan, and that the same now remains due and unpaid, and it being also proved that the sum of — is now due from the said J. N. to the said J. S. for wages, and that the said J. S. is now employed by the said J. N. at the wages of — per week; and no sufficient cause being shewn to us why the wages now due from the said J. N. as aforesaid, or which hereafter from time to time may become due from him to the said J. S.

wives and
families of
substitutes,
hired men, or
volunteers of
militia.

said late majesty King George the Third, intituled, "An Act for consolidating and amending the several Laws for providing Relief for the

should not be paid over to the overseers of the said parish for the time being, in whole or in part, until the said sum of — is wholly paid : We the said G. N. and H. O. as such justices as aforesaid, in pursuance of the statute in such case made and provided, having taken into consideration the circumstances of the said J. S. and his family, do hereby order and direct the said J. N. [forthwith] to pay to the said A. B. and C. D., as such overseers as aforesaid, the sum of —, being [parcel of] the wages now due from the said J. N. to the said J. S., and also hereafter to pay to the overseers of the said parish for the time being the sum of — out of the wages to be earned by the said J. S. weekly and every week so long as the said J. S. shall be in the employ of him the said J. N., unless the said sum of — aforesaid now due from the said J. S. shall be sooner paid. Given under our hands at —, in the county aforesaid, this — day of —, in the year of our Lord 1835.

G. N.

H. O.

* * If the parties or either of them do not appear, the above form can be easily altered accordingly.

WARRANT OF DISTRESS.

Berkshire: To the constable of —, in the said county, and to all other constables in and for the said county.

Whereas by an order under the hands of us G. N. and H. O. duly made, and dated the — day of — instant, J. N. of —, in the said county, was ordered and directed to pay to A. B. and C. D. as overseers of the poor of the parish of —, the sum of —, being parcel of certain wages then due from the said J. N. to one J. S. [&c. reciting the latter part of the order in the past tense]; and whereas on the — day of — last, the sum of — became due and owing from the said J. N. to the said J. S. as wages earned by the said J. S. in — weeks ending on the day last aforesaid, and out of which said wages the said J. N. by virtue of the said order was bound to pay and ought to have paid unto the said A. B. and C. D. then and still the overseers of the poor of the said parish; the sum of —. But the said J. N. although the said last-mentioned sum hath been duly demanded of him by and on the part of the said overseers, and he hath been required to pay the same, hath not as yet paid the same, or any part thereof, to the said overseers, or either of them, or to any person for them or on their behalf, but therein hath made default: These

Families of Militiamen in England when called out into actual Service," as directs overseers of the poor, by order of some one justice of the peace, to pay to the family of any person serving or inrolled as a ballotted man, substitute, hired man, or volunteer in the militia of England, a weekly allowance, or as authorizes any justice or justices to order such allowance to be paid under the rules and conditions in the said recited act provided, or as in any way discharges such ballotted man, substitute, hired man, or volunteer from the liability to maintain or repay the costs of maintenance of his family or any part thereof, or as prevents such families or any part thereof from being removeable to their places of legal settlement, or sent to any workhouse, by reason of their receiving any allowance or being chargeable, shall be and the same is hereby repealed.

are therefore to command you forthwith to make distress of the goods and chattels of the said J. N., and if within the space of [eight] days next after the making of such distress, the said last-mentioned sum of —, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods und chattels so by you distrained, and out of the money arising by such sale that you do pay the said sum of —, to the said A. B. and C. D. or to one of them, rendering the overplus, if any. upon demand, unto the said J. N., the reasonable charges of taking, keeping, and selling the said distress being first deducted. And if no such distress can be made, that then you certify the same unto us, to the end that such further proceedings may be had therein as to the law doth appertain. Given under our hands this — day of —, in the year of our Lord 1835.

G. N.

H. O.

* * See sect. 90, *post*.

Justices, in binding poor children apprentices, to certify that rules of commissioners have been complied with.

Justices' power reserved as between master and apprentice.

LXI. And be it further enacted, that from and after the period at which any rule, order, or regulation of the said commissioners shall come into operation for the binding of poor children apprentices, in addition to such assent or consent, order or allowance of justices, as are now required by law, such justices or any one justice are and is hereby authorized and required to examine and ascertain whether the rules, orders, or regulations of the said commissioners then in force for the binding of poor children apprentices (47) have been complied with, and to certify the same at the foot of every such contract or indenture, and of the counterpart thereof, in such form and manner as the said commissioners, by such rules, orders, or regulations, may direct; and until so certified, no such contract or indenture of apprenticeship shall be valid: provided nevertheless, that nothing in this act, or in any rule, order, or regulation of the said commissioners, shall affect the jurisdiction of any justices of the

(47) See sect. 15, *ante*. See upon this subject, p. 2, 3. It may be right to add here, that too much attention cannot be paid to this provision, and the provisions in stat. 56 Geo. 3, c. 139, in the execution of parish indentures; as the settlement of the apprentice, and in this instance the validity of the indenture, depend upon it. The certificate above mentioned may be contained in the allowance of the justices, unless otherwise ordered by the Commissioners. If, however, any of the Commissioners' rules upon the subject relate to the execution of the indenture, this certificate cannot form any part of the allowance; for in that case the certificate should be signed after the indenture is executed; and by stat. 56 Geo. 3, c. 139, s. 1, the allowance must always be signed before execution.

peace over any master or apprentice during the period of apprenticeship.

LXII. And be it further enacted, that it shall and may be lawful for the rate-payers in any parish, and such of the owners of property therein as shall, in manner hereinbefore mentioned, (48) have required their names to be entered in the rate books of such parishes respectively as entitled to vote as owners, assembled at a meeting to be duly convened and held for the purpose, after public notice of the time and place of holding such meeting, and the purpose for which the same is intended to be held, shall have been given in like manner as notices of vestry meetings are published and given, to direct that such sum or sums of money, not exceeding half the average yearly rate for the three preceding years, as the said owners and rate-payers so assembled at such meeting may think proper, shall be raised or borrowed as a fund, or in aid of any fund or contribution for defraying the expenses of the emigration of poor persons having settlements in such parish, and willing to emigrate, to be paid out of or charged upon the rates raised or to be raised for the relief of the poor in such parish, and to be applied under and according to such rules, orders, and regulations as the said commissioners shall in that behalf direct: provided always, that no such direction for raising

Power to owners and rate-payers to raise money on security of rates for purposes of emigration.

money for such purpose as aforesaid shall have any force or effect, unless and until confirmed by the said commissioners, and that the time to be limited for the repayment of any sum so charged on such rate as aforesaid shall in no case exceed the period of five years from the time of borrowing the same : provided also, that all sums of money so raised as last hereinbefore mentioned, and advanced by way of loan, for the purposes of emigration, or such proportion thereof as the said commissioners shall by any rule, order, or regulation from time to time direct, shall be recoverable against any such person, being above the age of twenty-one years, who or whose family, or any part thereof, having consented to emigrate, shall refuse to emigrate after such expenses shall have been so incurred, or having emigrated shall return, in such and the like manner as is hereinbefore (49) provided with respect to relief, or the cost price of relief, given or considered to be given by way of loan to any person, his wife or family.

Overseers
may apply to
commission-
ers of ex-
chequer bills
under act
57 G. 3, c. 34,
for advance
of money.

LXIII. And be it further enacted, that where it shall be lawful, under the provisions of any of the herein recited acts, or of any local act, or of this act, to raise or borrow any sum or sums of money for the purpose of purchasing, building, altering or enlarging any workhouse or work-

(49) By sect. 59, *ante*.

houses in any parish or union, or for purchasing land whereon to build the same, or for defraying the expenses of the emigration of poor persons having settlements in any parish, and being willing to emigrate, it shall be lawful for the overseers or guardians of such parish or union, with the consent of the said commissioners, to be testified under their hands and seal, to make application for an advance of any sum necessary for any such purposes, to the commissioners appointed under an act made and passed in the fifty-seventh year of the reign of his late majesty King George the Third, intituled "An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned," and of any act or acts passed for amending or continuing the same; and the said exchequer bill loan commissioners are hereby empowered to make such advances, upon any such application as aforesaid, upon the security of the rates for the relief of the poor in such parish or union, and without requiring any further or other security than a charge on such rates.

LXIV. And be it further enacted, that from and after the passing of this act, no settlement shall be acquired by hiring and service, or by re-

No settlement by hiring and service.

sidence under the same, or by serving an office. (50)

No contract of hiring and service, now incomplete, to confer a settlement.

LXV. And be it further enacted, that no person under any contract of hiring and service not completed at the time of the passing of this act shall acquire, or be deemed or adjudged to have acquired, any settlement by reason of such hiring and service, or of any residence under the same. (51)

No settlement by renting tenement, without paying poor-rate.

LXVI. And be it further enacted, that from and after the passing of this act no settlement shall be acquired or completed by occupying a tenement, unless the person occupying the same

(50) This and the four following sections contain the principal alterations made by this act in the law of settlement. And it will be perceived that by none of them are settlements already acquired affected, except by that relating to settlements by estate. (Sect. 68.)

The only other alteration in this respect made by the act, is, that illegitimate children, born after the passing of the act, shall have and follow the settlement of the mother, until they shall have attained the age of sixteen, or have acquired a settlement in their own right. (Sect. 71.)

(51) If, however, a person now serving under a yearly hiring, and whose service under that hiring was not completed at the time of the passing of the act, had previously hired with the same master for a less time than a year, and has served under that hiring until the commencement of his service under the yearly hiring,—if these services united amounted to a year's service at the time of the passing of the act, it should seem that he would gain a settlement by this hiring and these services. (See 1 *Arch. P. L.* 47) The meaning of this section seems to be, that when the settlement is not gained before the passing of the act, no service afterwards shall be sufficient for that purpose; but it never was the intention of the legislature, by this section, to deprive a party of a settlement which he had already acquired. It is right however to add, that the point here mentioned has been doubted.

shall have been assessed to the poor-rate, and shall have paid the same, in respect of such tenement, for one year.(52)

LXVII. And be it further enacted, that from and after the passing of this act no settlement shall be acquired by being apprenticed in the sea service, or to a householder exercising the trade of the seas as a fisherman or otherwise, nor by any person now being such an apprentice in respect of such apprenticeship.

No settlement by being apprenticed in the sea service.

LXVIII. And be it further enacted, that no person shall be deemed, adjudged, or taken to retain any settlement, gained by virtue of any possession of any estate or interest in any parish,

No settlement by estate, longer than the person shall inhabit within ten miles thereof.

(52) This section seems to operate, either as an extinguishment altogether of the settlement by payment of taxes, or as a merger of it into this settlement by renting a tenement. It is true that this section requires merely that the party should be rated to and pay the poor-rate, and before this act a settlement could be acquired by payment of the land tax, &c. (See 1 Arch. P. L. 85.) But as the statute 6 Geo. 4, c. 57, s. 2, makes the occupation of the tenement for which taxes are paid, as much a requisite to the gaining of the settlement, as the payment of the taxes, and by this section no settlement shall hereafter be acquired by the occupying of a tenement, unless the person occupying it shall be assessed to and pay the poor-rate for the same for one year, it would appear that unless such a person be assessed to and pay the poor-rate for the tenement, he cannot gain a settlement; and if he be so assessed and pay, it is immaterial whether he be rated or assessed for any other taxes or not. Therefore it seems that the settlement by payment of taxes is now either extinguished, or at least merged in that of renting a tenement.

for any longer or further time than such person shall inhabit within ten miles thereof; and in case such person shall cease to inhabit within such distance, and thereafter become chargeable, such person shall be liable to be removed to the parish wherein, previously to such inhabitancy, he may have been legally settled, or in case he may have subsequently to such inhabitancy gained a legal settlement in some other parish, then to such other parish. (53)

Repeal of
acts relating
to liability
and punish-
ment of puta-
tive father,
and punish-
ment of
mother of
illegitimate
children.

LXIX. And be it further enacted, that from and after the passing of this act so much of any act or acts of parliament as enables any single woman to charge any person with having gotten her with any child of which she shall then be pregnant, or as renders any person so charged liable to be apprehended or committed, or required to give security, on any such charge, or as enables the mother of any bastard child or children to charge or affiliate any such child or children on any person as the reputed or putative father thereof, or as enables any overseer or guardian to charge or make complaint against any person as such reputed or putative father, and to require him to be charged with or contribute to

(53) This seems to be confined to settlements by estate, and not to settlements by renting a tenement; for in the latter case the settlement is gained, not merely by the possession of the estate or interest, but also by having hired it at a certain rent for a certain time, and having paid that rent, and by being rated and paying poor-rate for it. (*See us to settlement by estate, 1 Arch. P. L. 76.*)

the expenses attending the birth, sustentation, or maintenance of any such child or children, or to be imprisoned or otherwise punished for not contributing thereto, or as in any way renders such reputed or putative father liable to punishment or contribution as such, or as enables churchwardens and overseers, by the order of any two justices of the peace, confirmed by the sessions, to take, seize, and dispose of the goods and chattels, or to receive the annual rents or profits of the lands of any putative father of bastard children, and so much of any such act or acts as renders an unmarried woman with child liable as such to be summoned, examined, or removed,(54) or as renders the mother of any bastard liable as such to be imprisoned or otherwise punished, shall, so far as respects any child which shall be likely to be born, or shall be born a bastard, after the passing of this act, or the mother or putative father of such child, be and the same is hereby repealed.(55)

(54) The principal reason, formerly, for making an unmarried woman, who was pregnant, removeable, was to prevent her child from gaining a settlement in the parish in which she resided: but as a bastard hereafter is to be settled, not in the parish in which it is born, but in the place of its mother's settlement (by sect. 71, *post.*) it was necessary to do away with this cause of removal altogether, as the reason for it had ceased. The above section, of course, merely abrogates the statutable chargeability created by statute 35 Geo. 3, c. 101, s. 6; if such a woman become actually chargeable, by seeking relief, she is of course as much removeable as any other pauper.

(55) This and the seven following sections, relating to

Securities
and recog-
nizances for
indemnity of
parishes
against chil-
dren likely to
be born bas-
tards, to be
null and void.

Persons in
custody for
not giving in-
demnity, to
be discharged.

Bastard to
follow the set-
tlement of the
mother, and
she bound to
maintain it.

LXX. And be it further enacted, that every security given or recognizance entered into by any person or persons, or his or their surety, before the passing of this act, to indemnify any parish or place as to any child or children likely to be born a bastard or bastards, whereof any single woman shall be pregnant at the time of the passing of this act, or to abide and perform such order or orders as might have been made touching such child or children, pursuant to an act made and passed in the eighteenth year of the reign of her said late majesty Queen Elizabeth, concerning bastards begotten and born out of lawful matrimony, shall be and the same are hereby declared null and void; and every person who shall at the time of the passing this act be in custody upon the commitment of any justice or justices for not having given such security or entered into such recognizance, shall be discharged upon the application of such person by any one of the visiting justices of the gaol in which such person shall be in custody under any such commitment.

LXXI. And be it further enacted, that every child which shall be born a bastard after the passing of this act, shall have and follow the settlement of the mother of such child, (56) until

bastardy are confined entirely to cases where the bastard is born after the passing of this act. As to bastards, born before, the law still remains the same as it formerly was.

(56) That is, if the mother have a settlement. If she

such child shall attain the age of sixteen, or shall acquire a settlement in its own right; and such mother, so long as she shall be unmarried or a widow, (57) shall be bound to maintain such child as a part of her family, until such child shall attain the age of sixteen; and all relief granted to such child while under the age of sixteen shall be considered as granted to such mother: (58) provided always, that such liability of such mother as aforesaid shall cease on the marriage of such child, if a female.

LXXII. And be it enacted, that when any child shall hereafter be born a bastard, and shall, by reason of the inability of the mother of such child to provide for its maintenance, become chargeable to any parish, the overseers or guardians of such parish, or the guardians of any union in which such parish may be situate, may,

Court of quarter sessions, on applications of overseers, &c. may make an order on putative father of child for its support.

have not, then it should seem that the place of birth will be the place of settlement, unless at the time of the birth the mother be actually confined as a prisoner within the walls of a prison (54 Geo. 3, c. 70, s. 2,) or have been delivered in a lying-in-hospital or other place licensed for the reception of pregnant women (*id.*), or in a house of industry, or house for the reception and care of the poor of any parish, &c. (*id.* s. 3); in which latter case the child is deemed to be born in the parish that sent the mother to such house, or on whose account she was there received and maintained. (*id.*)

(57) If she marry, the husband will be bound to maintain the child until the age of sixteen, or until the death of the mother. (Sect. 57.)

(58) The effect of this clause is to render the mother punishable as an idle and disorderly person, under the vagrant act, if she be able to support the child, and refuse to do so. (See 5 Geo. 4, c. 83, s. 3.)

if they think proper, after diligent inquiry as to the father of such child, apply to the next (59) general quarter sessions of the peace within the jurisdiction of which such parish or union shall be situate, after such child shall have become chargeable, for an order upon the person whom they shall charge with being the putative father of such child, to reimburse such parish or union for its maintenance and support; and the court to which such application shall be made shall proceed to hear evidence thereon, and if it shall be satisfied, after hearing both parties, that the person so charged is really and in truth the father

(59) In the last term, an application was made to the Court of King's Bench, for a mandamus to the justices of the county of Carnarvon, to hear an application in bastardy, under the following circumstances:—The child was born and became chargeable in November 1834, the application was not made until the Easter sessions following, and the sessions dismissed it, holding that it should have been made at the Epiphany sessions, those being the next sessions after the child became chargeable. The rule for the mandamus was moved for on the ground that these words "the next general quarter sessions" in the above section were directory only, and did not preclude the overseers from applying at any subsequent sessions; that if the limited construction given by the sessions to these words were to be adopted, this section would, in many cases, be ineffective, from the mother or putative father absconding, or from the overseers not being able to obtain the confirmatory evidence required by the statute, until after the next sessions; besides, the 72d sect. of the statute shewed clearly that the legislature never intended that this limited construction should be given to these words, for it contemplated and provided for cases where the child might be chargeable more than six months at the time of the hearing of the application. Three judges (*absent C. J.*), after looking into the statute, and considering the matter, granted a rule *nisi* for the mandamus; but it was afterwards discharged upon a different ground, namely, for the insufficiency of the notice served upon the putative father, and the point upon which the rule was moved was not decided or adverted to.—*Rex v. Justices of Carnarvon, T. 1835, MS.*

of such child, it shall make such order upon such person in that respect as to such court shall appear to be just and reasonable under all the circumstances of the case: provided always, that no such order shall be made unless the evidence of the mother(60) of such bastard child shall be corroborated in some material particular by other testimony to the satisfaction of such court: provided also, that such order shall in no case exceed the actual expense incurred or to be incurred for the maintenance and support of such bastard child while so chargeable, and shall continue in force only until such child shall attain the age of seven years, if he shall so long live: provided also, that no part of the monies paid by such putative father, in pursuance of such order, shall at any time be paid to the mother of such bastard child, nor in any way be applied to the maintenance and support of such mother.

*Monies paid,
not applicable
to support of
mother.*

(60) It has been doubted whether the act, by these words, has not rendered the mother's evidence indispensable to the obtaining of an order in bastardy. The Commissioners have expressed an opinion that it does not; the preceding part of the section, in requiring that the sessions "shall proceed to hear evidence," gives them authority to make the order upon any legal evidence that may appear satisfactory to them, varying, as in other cases, from the most distinct proof, such as the admission of the party charged, to any reasonable degree of circumstantial evidence; and the proviso as to the testimony of the mother, in a subsequent part of the section, appears to have been introduced, not for the purpose of making that testimony necessarily a part of the evidence in the case, but to prevent any order being made upon the mere oath of the mother, uncorroborated by other evidence. As to that part of the section which requires the sessions to hear both parties, it does not affect the present question, for the mother is no party to the application; the parties are, the parish officers on the one part, and the putative father on the other.—*P. L. C.*

No application to be heard without fourteen days previous notice.

If application be heard costs of maintenance may be calculated from the birth if within six months.

LXXIII. And be it enacted, that no such application shall be heard at such sessions unless fourteen days notice (61) shall have been given under the hands of such overseers or guardians to the person intended to be charged with being the father of such child of such intended application; and in case there shall not, previously to such sessions, have been sufficient time to give such notice, the hearing of such application shall be deferred to the next ensuing general quarter sessions: provided always, that whenever such application shall be heard, the costs of the maintenance of such bastard child shall, in case the court shall think fit to make an order thereon, be calculated from the birth of such bastard child, if such birth shall have taken place within six calendar months previous to such application being heard; but if such birth shall have taken place more than six calendar months previously to such application being heard, then from the day of the commencement of six calendar months next preceding the hearing of such application: provided also, that if upon the hearing of such application the court shall not think fit to make any order thereon, it shall order and direct that the full costs and charges incurred by the person so intended to be charged in resisting such application shall be paid by such overseers or guardians.

(61) See the form of this notice, *ante*, p. 24.

LXXIV. And be it enacted, that if such person so intended to be charged shall not appear by himself or his attorney at the time when such application shall come on to be heard before such court, according to such notice, such court shall nevertheless proceed to hear the same, unless such overseers or guardians shall produce an agreement under the hand of such person to abide by such order as such court shall make thereon, without the hearing of evidence by such court: provided always, that such court may, notwithstanding such agreement, require that evidence shall be given in support of such application, if it thinks fit, before such order is made.

In the event of party charged not appearing, court may nevertheless enter into the case.

LXXV. And be it enacted, that whenever such overseers or guardians shall have determined to make such application as aforesaid, it shall be lawful for one justice of the peace, at the request of such overseers or guardians, to summon the person so intended to be charged with being the father of such bastard child to appear before him; and if such justice shall be satisfied that such person has any intention to abscond or keep out of the way, in order to avoid the consequences of such application, such justice may require such person to enter into a recognizance to appear and answer thereto, and in case such person shall refuse or neglect to enter into such recognizance, may commit such person to the gaol or house of correction of the county, riding, or division within

Party summoned, if suspected of intending to abscond, may be required to enter into a recognizance for his appearance.

which such parish shall be situate, until he shall enter into such recognizance, or until such application shall be heard.

When payments get into arrear, putative father may be proceeded against by distress or attachment of wages.

LXXVI. And be it enacted, that if at any time after the expiration of one calendar month after an order shall have been made in pursuance of such application it shall appear to one justice, upon the oath of any one of such overseers or guardians, that the payments directed to be made by such order have not been made according thereto, and are in arrear, it shall be lawful for such justice or any other justice, by warrant under his hand and seal, to cause such putative father of such bastard child to be brought before two justices of the peace; and in case such putative father shall refuse or neglect to make payment of such sum of money as shall appear to such justices to be due from him under such order, together with the costs of apprehension, it shall be lawful for such or any two justices to proceed to recover such sum and costs by distress and sale of the goods and chattels of such putative father, or by attaching the wages of such putative father for the recovery of such sum and costs, in the same manner as wages may be attached under the provisions of this act. (62)

No person employed in

LXXVII. And be it further enacted, that it shall

not be lawful for any person hereafter to be appointed in any parish or union to any office concerned in the administration of the laws for the relief of the poor, or for any person who after the twenty-fifth day of March one thousand eight hundred and thirty-five shall fill any such office, to furnish or supply, for his own profit or on his own account, any goods, materials or provisions ordered to be given in parochial relief, or to furnish or supply any goods, materials, or provisions for or in respect of the money ordered to be given in parochial relief to any person in such parish or union; and every person holding such office shall, on conviction before any two justices of the peace, be subject to a penalty of five pounds for such offence, one half of which penalty shall be paid to the informer, and the other half in aid of the poor-rates of such parish or union. (63)

administration of poor laws to furnish, for his own profit, goods or provisions given in parochial relief.

LXXVIII. And be it further enacted, that all sums of money which shall be assessed by any justices of the peace on the father, grandfather, mother, grandmother, child, or children of any poor person, for the relief or maintenance of such poor person, under or by virtue of the provisions of a certain act passed in the forty-third year of the reign of her late majesty Queen Elizabeth, intituled "An Act for the Relief of the Poor," or of any act to amend the same, or of this act, and all

Sums payable under 43 Eliz. c. 2, s. 7, by relations of poor persons, how recoverable.

penalties and forfeitures to which any person so assessed by such justices for such relief or maintenance, shall be liable for any default in paying the same by virtue of the provisions of any of the said recited acts or of this act, shall be recoverable against every person so assessed or charged, in like manner as penalties and forfeitures are recoverable under the provisions of this act. (64)

No person to be removed till after notice of his being chargeable has been sent to the parish to which order of removal is directed.

Such person may be re-

LXXIX. And be it further enacted, that from and after the first day of November one thousand eight hundred and thirty-four no poor person shall be removed or removable, under any order of removal from any parish or workhouse, by reason of his being chargeable to or relieved therein, until twenty-one days after a notice in writing (65) of his being so chargeable or relieved, accompanied by a copy or counterpart of the order of removal of such person, and by a copy of the examination upon which such order was made, shall have been sent, by post or otherwise, by the overseers or guardians of the parish obtaining such order, or any three or more of such guardians, to the overseers of the parish to whom such order shall be directed: provided always

(64) By sect. 99, *post*. The mode of compelling payment, given by stat. 43 Eliz. c. 2, s. 11, was not very well defined. See 1 *Arch. P. L.* 2, and the authorities there referred to.

(65) See the form of this notice, *ante*, p. 6.

that if such overseers or guardians (66) as last moved if
 aforesaid, or any three or more of such guardians, order sub-
 shall by writing under their hands agree to submit to such order, and to receive such poor person, it shall be lawful to remove such poor person according to the tenor of such order, although the said period of twenty-one days may not have elapsed: provided also, that if notice of appeal against such order of removal shall be received by the overseers or guardians of the parish from which such poor person is directed in such order to be removed within the said period of twenty-one days, it shall not be lawful to remove such poor person until after the time for prosecuting such appeal shall have expired, (67) or, in case such appeal shall be duly prosecuted, until after the final determination of such appeal. (68)

LXXX. And be it enacted, that the overseers or guardians of the parish giving such notice of appeal, or their attorney, or any other person authorized by them, shall, until such appeal shall have been heard and decided, at all proper times have free access to such poor person for the purpose of examining him touching his settlement; and in case it shall be necessary for the more effectual examination of such person that he

(66) Guardians are not mentioned in the clause referred to.

(67) As to what shall now be deemed the time for prosecuting such appeal, see *ante*, p. 6.

(68) As to the law on this subject as altered by the above section, see *ante*, p. 5.

should be taken out of the removing parish, such overseers or guardians shall be permitted to remove him therefrom for the time which may be necessary for that purpose : provided always, that the expense of such removal, and of his maintenance during the same, shall be defrayed by the appellant parish.

Grounds of
appeal to be
stated in
notice.

LXXXI. And be it further enacted, that after the first day of November one thousand eight hundred and thirty-four, in every case where notice of appeal against such order shall be given, the overseers or guardians of the parish appealing against such order, or any three or more of such guardians, shall with such notice, or fourteen days at least before the first day of the sessions at which such appeal is intended to be tried, send or deliver to the overseers of the respondent parish a statement in writing (69) under their hands of the grounds of such appeal; and it shall not be lawful for the overseers of such appellant parish to be heard in support of such appeal, unless such notice and statement shall have been so given as aforesaid : provided always, that it shall not be lawful for the respondent or appellant parish, on the hearing of any appeal, to go into or give evidence of any other grounds of removal, or of appeal against any order of removal, than those set forth in such respective order, examination, or statement as aforesaid. (70)

(69) See a form of this statement, *ante*, p. 7, 8.

(70) See more particularly upon this subject, *ante*, p. 7—9.

LXXXII. And be it further enacted, that upon every such appeal the court before whom the same shall be brought shall and may, if they think fit, order and direct the parish against which the same shall be decided to pay to the other such costs and charges as may to such court appear just and reasonable, and shall certify the amount thereof; and in case the overseers of the poor of the parish liable to pay the same, shall upon demand, and upon the production of such certificate, refuse or neglect to pay the same, the amount thereof may be recovered from such overseer in the same manner as any penalties or forfeitures are by this act recoverable. (71)

Parish losing appeal to pay such costs as court may direct.

(71) That is, by distress; or, in default of distress, by imprisonment for a time not exceeding three calendar months, unless the sum be sooner paid, (sect. 99.) The following may be the form of the

WARRANT OF DISTRESS.

Berkshire : To the constable of — in the said county, and to all other constables in and for the said county.

Whereas it has been this day duly proved before us G. N. and H. O., two of his Majesty's justices of the peace for the said county, that upon a certain appeal against an order for the removal of one J. S. from the parish of A. to the parish of B., the court of quarter sessions for the county aforesaid, by their order dated the — day of — last, did, amongst other things, order that the said parish of A. should pay [&c. as in the order], and did then and there grant a certificate certifying the amount thereof to be —. And whereas the sum of —, so ordered and certified as aforesaid, was on the — day of — instant duly demanded of and from A. B. and C. D., the overseers of the poor of the said parish of A. by E. F. and G. H. the overseers of the poor of the parish of B., and the said E. F. and G. H. did then and there produce to the said A. B. and C. D. the said certificate; but the said A. B. and C. D. did not, nor did either of them, then or at any time before or since, pay the said sum or any part thereof to the said E. F. and G. H.

Partymaking
frivolous and
vexatious
statement, to
pay costs.

LXXXIII. And be it further enacted, that if either of the parties shall have included in the order (72) or statement sent as hereinbefore directed any grounds of removal or of appeal, which shall in the opinion of the justices determining the appeal be frivolous and vexatious, such party shall be liable, at the discretion of the said justices, to pay the whole or any part of the costs

or to either of them, or to any person on their behalf, but therein have made default; whereby and by virtue of the statute in such case made and provided, the said sum of — may be levied of the goods and chattels of the said A. B. and C. D. as overseers of the parish of A. These are therefore to command you to make distress of the goods and chattels of the said A. B. and C. D.; and if within the space of [eight] days next after the making of such distress the said sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by such sale, that you do pay the sum of — to the said E. F. and G. H., overseers of the poor of the parish of B. as aforesaid, or to one of them, rendering the overplus, if any, on demand, unto the said A. B. or C. D. the reasonable charges of taking, keeping, and selling the said distress being first deducted. And if no such distress can be made, that then you certify the same unto us, to the end that such further proceedings may be had therein as to the law doth appertain. Given under our hands this — day of —, in the year of our Lord 1835.

G. N.
H. O.

See upon this subject generally, *ante*, p. 10.

(72) As far as respects the liability of the respondents for costs in such a case, this section seems to be inoperative. The only ground of removal ever stated in the order is, that the pauper had become chargeable to the removing parish, and that the parish to which he is ordered to be removed is the place of his last legal settlement. This never can be deemed frivolous; or, if it were, the appellant must necessarily have judgment, and probably his costs, under the last section. The examination, indeed, may contain a frivolous and vexatious ground of removal; but for this the respondent is not made answerable by the statute. See further upon this subject, *ante*, p. 10—12.

incurred by the other party in disputing any such grounds, such costs to be recovered in the manner hereinbefore directed as to the other costs incurred by reason of such appeal.

LXXXIV. And be it further enacted, that the parish to which any poor person whose settlement shall be in question at the time of granting relief shall be admitted or finally adjudged to belong, shall be chargeable with and liable to pay the cost and expense of the relief and maintenance of such poor person, and such cost and expense may be recovered against such parish in the same manner as any penalties or forfeitures are by this act recoverable : provided always, that such parish, if not the parish granting such relief, shall pay to the parish by which such relief shall be granted the cost and expense of such relief and maintenance from such time only as notice of such poor person having become chargeable shall have been sent by such relieving parish to the parish to which such poor person shall be so admitted or finally adjudged to belong : provided always, that no charges or expenses of relief or maintenance shall be recoverable under a suspended order of removal, unless notice of such order of removal, with a copy of the same, and of the examination upon which such order was made, shall have been given within ten days of such order being made to the

Costs of relief to be paid by the appellants, in what cases.

overseers of the poor of the parish to whom such order is directed. (73)

Commissioners may call for and publish accounts of trust and charity estates,

LXXXV. And be it enacted, that it shall be lawful for the said commissioners, and they are hereby empowered from time to time, as they may think fit, to require from all persons in whom any freehold, copyhold, or leasehold estates, or any other property or funds belonging to any parish, and held in trust for or applicable to the relief of the poor, or which may be applied in diminution of the poor-rate of such parish, shall be vested, or who shall be in the receipt of the rents, profits, or income of any such estate, property, or funds, a true and detailed account in writing of the place where such estate may be situate, or in what mode or on what security such other property or funds may be invested, with such details of the rents, profits, and income thereof, and of the appropriation of the same, and of all such other particulars relating thereto, as the said commissioners may direct and require; and such statement or a true copy thereof shall, under the regulations of the said commissioners, be open for the inspection of the owners of property and rate-payers in such parish: provided always, that nothing hereinbefore contained shall apply to any funds raised from time to time by the voluntary contributions of the inhabitants of any parish.

(73) See further upon this subject, *ante*, p. 12.

LXXXVI. And be it further enacted, that no advertisement inserted by or under the direction of the said commissioners in the London Gazette or any newspaper, for the purpose of carrying into effect any provisions of this act, nor any mortgage, bond, instrument, or any assignment thereof, given by way of security in pursuance of the rules, orders, or regulations of the said commissioners, and conformable thereto, nor any contract or agreement, or appointment of any officer, made or entered into in pursuance of such rules, orders, or regulations, and conformable thereto, nor any other instrument made in pursuance of this act, nor the appointment of any paid officer engaged in the administration of the laws for the relief of the poor, or in the management or collection of the poor-rate, shall be charged or chargeable with any stamp duty whatever.

Advertisements, &c. not liable to stamp duty.

LXXXVII. And whereas by an act passed in the twenty-second year of the reign of King George the Third, intituled "An Act for the better Relief and Employment of the Poor," the visitor and guardian of the poor of any parish, township, or place, which shall adopt the provisions of the said recited act, are authorized thereby to borrow money at interest for the purposes mentioned in the said act, and to secure such money by a charge upon the poor's rates of such parish, township, or place, in sums not exceeding fifty

Bonds and securities made pursuant to 22 G. 3, c. 83, and assignments thereof, exempted from stamp duty.

pounds each, in a certain form contained in the schedule to the said act, or to that or to the like effect, and which security is directed and allowed to be assigned by indorsement on the back thereof in a certain form also contained in the said schedule, or to that or the like effect: and whereas doubts have arisen touching the liability of such securities as aforesaid, and the assignments or transfers thereof to stamp duty, and it is expedient to remove the same; be it therefore enacted and declared, that no bond or other security at any time heretofore or to be at any time hereafter made or entered into in pursuance of the said recited act, nor any assignment or transfer thereof, shall be charged or chargeable with, or be deemed to be or to have been subject or liable to any stamp duty whatsoever; any thing in any act contained to the contrary thereof notwithstanding.

Letters to and from board of commissioners to be free of postage, if sent conformable hereto.

LXXXVIII. And be it further enacted, that the said commissioners shall and may receive and send by the general post from and to places within the United Kingdom, all letters and packets relating solely and exclusively to the execution of this act free from the duty of postage, provided that such letters and packets as shall be sent to the said commissioners be directed to the "Poor Law Commissioners" at their office in London, and that all such letters and packets as shall be sent by the said commissioners

shall be in covers, with the words "Office of Poor Law Commissioners, pursuant to Act of Parliament passed in the fifth year of the reign of his Majesty King William the Fourth," printed on the same, and be signed on the outside thereof, under such words, with the name of such person as the said commissioners, with the consent of the Lords Commissioners of the Treasury, or any three or more of them, shall authorize and appoint, in his own handwriting, (such name to be from time to time transmitted to the secretaries of the General Post-office in London and Dublin,) and be sealed with the seal of the said commissioners, and under such other regulations and restrictions as the said Lords Commissioners, or any three or more of them, shall think proper and direct: and the person so to be authorized is hereby strictly forbidden so to subscribe or seal any letter or packet whatever, except such only concerning which he shall receive the special direction of his superior officer, or which he shall himself know to relate solely and exclusively to the execution of this act; and if the person so to be authorized, or any other person, shall send or cause or permit to be sent under any such cover, any letter, paper, or writing, or any enclosure, other than what shall relate to the execution of this act, every person so offending shall forfeit and pay the sum of one hundred pounds, and be dismissed from his office; one moiety of the said penalty to the

Letters sent under cover not relating solely to the business of the act to be transmitted to Post-office to be charged.

use of his Majesty, his heirs and successors, and the other moiety to the use of the person who shall inform or sue for the same, to be sued for and recovered in any of his Majesty's courts of record at Westminster for offences committed in England, and in any of his Majesty's courts of record in Dublin for offences committed in Ireland, and before the sheriff or stewartry court of the shire or stewartry within which the party offending shall reside, or the offence shall be committed, for offences committed in Scotland; and if any letter, paper, or writing, or other enclosure, shall be sent under cover to the said commissioners, the same not relating solely and exclusively to the execution of this act, they are hereby strictly required and enjoined to transmit the same forthwith to the secretary of the Post-office in London, with the covers under which the same shall be sent, in order that the contents thereof may be charged with the full rates of postage.

Payments contrary to this act to be disallowed.

LXXXIX. And be it further enacted, that all payments, charges, and allowances made by any overseer or guardian, and charged upon the rates for the relief of the poor, contrary to the provisions of this act, or at variance with any rule, order, or regulation of the said commissioners made under the authority of this act, shall be and the same are hereby declared to be illegal, any law, custom, or usage to the contrary not-

withstanding; and every justice of the peace is hereby required to disallow as illegal and unfounded all payments, charges, or allowances contrary to the provisions of this act, or to any such rule, order, or regulation of the said commissioners, which shall be contained in any account of any overseer of the poor or guardian which shall be presented for the purpose of being passed or allowed: provided always, that no allowance by any justice shall exonerate or discharge such overseer or guardian from any penalty or legal proceeding to which he may have rendered himself liable by having acted contrary to the rules, orders, and regulations of the said commissioners, or to the provisions of this act. (74)

XC. And be it further enacted, that the leaving of any summons authorized to be issued by any commissioner, assistant commissioner, or justice of the peace, under this act, at the usual or last known place of abode of the party to whom such summons shall be directed, shall in every case be deemed good and sufficient service of such summons. Service of summons.

(74) There are other modes of relief, established by law, besides those by "payments, charge or allowances," as here mentioned, and which are not affected by the act. See 1 Arch. P. L. 6, 7, and the statutes there referred to; see also in the Appendix to this Volume. Those, no doubt, must hereafter be exercised under the control and direction of the commissioners.

Repeal of
so much of
6 G. 4, c. 80,
as relates to
prohibition
of spirituous
liquors in
workhouses.

Y^{TO} XCII. And be it further enacted, that so much of an act made and passed in the sixth year of the reign of his late majesty king George the Fourth, intituled "An Act to repeal the Duties payable in respect of the Spirits distilled in England, and of Licenses for distilling, rectifying, or compounding such Spirits, and for the Sale of Spirits, and to impose other Duties in lieu thereof, and to provide other Regulations for the Collection of the said Duties, and for the Sale of Spirits, and for the warehousing of such Spirits without Payment of Duty for Exportation," as provides that if any master or officer of any workhouse shall sell, use, lend, or give away, or knowingly permit or suffer any spirits to be sold, used, lent, or given away, in any such workhouse, or brought into the same, other than and except such spirits as shall be prescribed or given by the prescription and direction of a physician, surgeon, or apothecary, and to be supplied in pursuance of such prescriptions from the shop of some apothecary, every such master or such other officer shall for every such offence forfeit one hundred pounds, and for the second like offence lose his office; and so much of the said last-mentioned act as provides that no person shall carry or bring, or attempt to endeavour to carry or bring, any spirits, except to be used in the way of medicine, into any workhouse, under the pain of being imprisoned for every such offence for any time not exceeding three months; and also so much of the

said last-mentioned act as provides that every master and chief officer of every workhouse shall procure one or more copy or copies of the clauses in the said act mentioned to be printed or fairly written and hung up in one of the most public places in the workhouse, and renew the same from time to time, so that it may be always kept fair and legible, on pain of forfeiting the sum of ten pounds for every wilful default ; or as enables any justice of the peace to demand a sight of such copy so hung up in some public place, to convict such master or officer of such default ; shall be and the same is hereby repealed.

XCII. And be it further enacted, that if any person shall carry, bring, or introduce, or attempt or endeavour to carry, bring, or introduce, into any workhouse now or hereafter to be established, any spirituous or fermented liquor, without the order in writing of the master of such workhouse, it shall be lawful for the master of such workhouse, or any officer of the same acting under his direction, to apprehend or cause to be apprehended such offender, and to carry him or her before a justice of the peace, who is hereby empowered to hear and determine such offence in a summary way ; (75) and upon conviction thereof

Penalty on persons introducing spirituous liquors into workhouses.

(75) The following may be the form of the conviction :

Berkshire: Be it remembered, that on the — day of —, in the year of our Lord —, at —, in the said county, A. B. of —, in the said county, master of the workhouse there situate, personally came before me, J. P. one of his Majesty's justices

the party so offending shall forfeit and pay any sum of money not exceeding ten pounds for every such offence, as such justice may direct ; and in default of payment of the penalty hereby imposed such justice may and is hereby required to commit such offender to the common gaol or house of correction for the district in which such workhouse shall be situate, for any space of time not exceeding two calendar months, unless such penalty shall be sooner paid.

of the peace for the said county, and informed me that C. D. of —, in the said county, labourer, on the — day of —, in the year aforesaid, at the parish of —, in the county aforesaid, did knowingly and unlawfully carry, bring, and introduce into the said workhouse a certain quantity of spiruous liquors, to wit, one pint of rum, without any order in writing of the master of the said workhouse in that behalf, contrary to the form of the statute in such case made and provided : whereupon the said C. D., after being duly summoned to answer the said charge, appeared before me on the — day of — instant, at — in the said county ; and having heard the charge contained in the said information [“ declared that he was not guilty of the said offence,” or, “ did neglect and refuse to make any defence against the said charge :”] whereupon I, the said justice, did proceed to examine into the truth of the charge contained in the said information ; and on the — day of — aforesaid, at — aforesaid, one credible witness, to wit, E. F. of —, in the said county, upon his oath deposeth and saith, in the presence of the said C. D. that [here state the evidence] : Therefore, it manifestly appearing to me that he the said C. D. is guilty of the offence charged upon him in the information, I do hereby convict him of the offence aforesaid, and do declare and adjudge that he the said C. D. hath forfeited the sum of [ten pounds] of lawful money of Great Britain, for the offence aforesaid, and in default of payment of the said sum, I do order and adjudge that he be imprisoned in the common gaol for the said county [or, “ the house of correction at —, being the house of correction in and for the district in which the said workhouse is situate”] for the space of two calendar months, unless the said sum of — shall be sooner paid. Given under my hand and seal the — day of —, in the year of our Lord —.
J. P.

* * See Archbold on Convictions, pp. 110, 111.

XCH. And he in further enacting, that if any master of a workhouse shall order any spirituous or fermented liquor to be carried, brought, or introduced into any workhouse, except for the domestic use of himself or of any officer of the said workhouse, or their respective families; or except by and under the written authority of the surgeon of such workhouse, or of any justice visiting the same, or of the guardians of such workhouse, or in conformity with any rules, orders, or regulations of the said commissioners; or if any such master or any other officer of any workhouse shall carry, bring, or introduce into such workhouse, or sell, use, lend, or give away therein, or knowingly permit or suffer to be carried, brought, or introduced, or sold, used, lent, or given away therein, any spirituous or fermented liquor, contrary to the rules, orders, and regulations of the said commissioners; or shall punish with any corporal punishment any adult person in such workhouse, or confine any such person for any offence or misbehaviour for any longer space of time than twenty-four hours, or such further space of time as may be necessary in order to have such person carried before a justice of the peace; or shall in any way abuse or ill-treat, or be guilty of any other misbehaviour, or otherwise misconduct himself towards or with respect to any poor person in such workhouse; every such master or officer of a workhouse so offending shall for every such offence, upon the complaint of the overseers or

Penalty on masters of workhouses allowing use of spirituous liquors, or ill-treating poor persons, or misconducting themselves.

Power for justices to order salaries, &c. to be stopped, and applied towards payment of penalties.

guardians of the parish or union to which such workhouse shall belong, or of any such poor person, and upon conviction (72) of such offence before any two justices, forfeit and pay such sum of money, not being more than twenty pounds, as such justices may direct; and in default of payment of the penalty hereby imposed, such justices may and are hereby required to commit such offender to the common gaol or house of correction for the district in which such workhouse shall be situate for any space of time not exceeding six calendar months, unless such penalty shall be sooner paid: provided always, that if at the time when any such master or officer of a workhouse shall be so convicted of any such offence, there shall be due to him any sum of money or salary in respect of his employment as such master or officer of such workhouse, or upon any balance of account from the overseers or guardians of the parish or union in which such workhouse shall belong, it shall be lawful for such justices, upon the application of such overseers or guardians, by order in writing under their hand, to direct that such [sum] of money, salary, or balance, so far as the same shall extend, or a sufficient part thereof, shall be retained and applied for the use of such parish or union by such overseers or guardians, in payment or part payment of any such penalty; and such order shall be a good and valid discharge to such over-

(72) This conviction may readily be framed from the form given in the note to the last section.

seers or guardians for so much money as may by such order be directed to be so retained and applied against the claim or demand of the master or other officer of such workhouse in respect of any such sum of money, salary or balance.

XCIV. And be it further enacted, that the master of every workhouse shall cause one or more copy or copies of the two preceding clauses to be printed or fairly written, and hung up in one of the most public places of such workhouse, and renew the same from time to time, so that it be always kept fair and legible, on pain of forfeiting the sum of ten pounds for every wilful default. (76)

Masters to hang up copies of the two preceding clauses in workhouses.

XCV. And be it further enacted, that in case any overseer, assistant overseer, master of a workhouse, or other officer of any parish or union, shall wilfully disobey the legal and reasonable orders of such justices and guardians in carrying the rules, orders, and regulations of the said commissioners or assistant commissioners, or the provisions of this act, into execution, every such offender shall, upon conviction (77) before

Penalties on overseers and other officers disobeying justices and guardians.

(76) The conviction for this offence may be readily framed from the form given in the note to sect. 92, *ante*, p. 133, to the words "*hath forfeited the sum of — of lawful money of Great Britain, for the offence aforesaid. Given under my hand and seal,*" &c.

(77) This conviction may be readily framed from the form given in the note to sect. 92, *ante*, p. 133, to the words "*hath forfeited the sum of — of lawful money of Great Britain, for the offence aforesaid. Given under our hands and seals,*" &c.

any two justices, forfeit and pay for every such offence any sum not exceeding five pounds.

No overseer to be prosecuted for not executing illegal orders of justices and guardians.

XCVI. Provided always, and be it further enacted, that no overseer shall from henceforth be liable to any prosecution or penalty for not carrying into execution any illegal order of such justices or guardians, any law or statute to the contrary notwithstanding.

Penalty on overseers, &c. for purloining, &c. goods, &c. 20*l.* and treble the value of goods purloined.

XCVII. And be it further enacted, that if any overseer, assistant overseer, master of a workhouse, or other paid officer, or any other person employed by or under the authority of the said guardians, shall purloin, embezzle, or wilfully waste or misapply any of the monies, goods, or chattels belonging to any parish or union, every such offender shall, besides and in addition to such pains and penalties as such person so offending shall, independently of this act, be liable to, upon conviction before any two justices, (78) forfeit and pay for every such offence any sum not exceeding twenty pounds, and also treble the amount or value of such money, goods, or chattels so purloined, embezzled, wasted, or misapplied; and every person so convicted shall

(78) This conviction may be readily framed from the form given in the note to sect. 92, *ante*, p. 133, to the words "hath forfeited the sum of —, of lawful money of Great Britain, for the offence aforesaid, and also the further sum of —, being treble the amount of the money [or 'value of the goods'] so embezzled as aforesaid. Given under our hands and seals," &c.

be for ever thereafter incapable of serving any office under the provisions of this or any other act in relation to the relief of the poor.

XCVIII. And be it further enacted, that in case any person shall wilfully neglect or disobey any of the rules, orders, or regulations of the said commissioners or assistant commissioners, or be guilty of any contempt of the said commissioners sitting as a board, such person shall, upon conviction before any two justices, (79) forfeit and pay for the first offence any sum not exceeding five pounds, for the second offence any sum not exceeding twenty pounds nor less than five pounds, and in the event of such person being convicted a third time, such third and every subsequent

Penalty on persons wilfully disobeying rules, orders, and regulations.

(79) This conviction may be readily framed from the form given in the note to sect. 92, *ante*, p. 133, to the words "hath forfeited the sum of —, of lawful money of Great Britain, for the offence aforesaid. Given under our hands and seals," &c.

The conviction for a second offence may be framed from the same form, to the words "I do hereby convict him of the offence aforesaid." Then proceed thus: "And it is now proved before us the said G. N. and H. O., justices as aforesaid, that the said C. D. was heretofore, on the — day of —, in the year of our Lord —, duly convicted before —, two of his Majesty's justices of the peace for the county of —, for that he the said C. D." [stating the offence,] "contrary to the form of the statute in such case made and provided; and it was therefore declared and adjudged that the said C. D. had forfeited the sum of — of lawful money of Great Britain for the said last-mentioned offence. We the said G. N. and H. O. do therefore declare and adjudge that the said C. D. hath forfeited the sum of — of like lawful money of Great Britain for such his said second offence, of which he is now convicted as aforesaid. Given under our hands and seals," &c. See Archbold on Convictions, p. 255.

offence shall be deemed a misdemeanor, and such offender shall be liable to be indicted for the same offence, and shall on conviction pay such fine, not being less than twenty pounds, and suffer such imprisonment, with or without hard labour, as may be awarded against him by the court, by or before which he shall be tried and convicted.

Penalties, &c.
how recovered.

XCIX. And be it further enacted, that all penalties and forfeitures by this act inflicted or authorized to be imposed for any offence against the same, shall, upon proof and conviction (80) of the offences respectively before any two justices, either by the confession of the party offending, or by the oath of any credible witness or witnesses, (which oath such justices are in every case hereby fully authorized to administer,) or upon order made as aforesaid, be levied, together with the costs attending the information, summons, and conviction, by distress and sale of the goods and chattels of the offender or person liable or ordered to pay the same respectively, by warrant under the hands of the justices before whom the party may have been convicted, or, on proof

(80) The conviction may in all cases under this act be framed from the form given in the note to sect. 92, *ante*, p. 133. If the justices give costs against the defendant, add, after the words "*for the offence aforesaid*," these words: "*and that the said C. D. shall also pay the sum of £— for the costs attending the information, summons, and conviction in this behalf. Given,*" &c.

of such conviction, (81) by a warrant (82) under the hands of any two justices acting for the county, riding, or division (which warrant such justices are hereby empowered and required to grant); and the overplus (if any), after such penalties and forfeitures, and the charges of such distress and sale, are deducted, shall be returned, upon demand, unto the owner or owners of such goods and chattels; and in case such fines, penalties, and forfeitures shall not be forthwith paid upon conviction, then it shall be lawful for such justices as aforesaid to order the offender or offenders so convicted to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless the offender or offenders shall give sufficient security, to the satisfaction of such justices as aforesaid, for his or their appearance before such justices on such day or days as shall be appointed for the return of such warrant of distress, such day or days not being more than seven days from the time of taking any such security, and which security the said justices as aforesaid are

(81) The words "*or order,*" seem to have been omitted by mistake.

(82) The warrant of distress, if granted by the justices, by whom the defendant was convicted, may be in the usual form; if granted by other justices, it should commence thus: "*Whereas it hath been this day duly proved to us, J. P. and S. T., two of his Majesty's justices of the peace for the county aforesaid, that C. D. of —, in the said county, labourer, was on the — day of — instant, duly convicted before G. N. and H. O., two of his Majesty's said justices of the peace for the said county, for that he*" [*&c. as in ordinary cases.*] See *Arch. on Convictions*, p. 354, &c.

hereby empowered to take by way of recognizance or otherwise; but if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, then it shall be lawful for any such justice as aforesaid, as the case may be, and they are hereby authorized and required, by warrant or warrants under their hands, (83) to cause such offender or offenders to be committed to the common gaol or house of correction, of the county, riding, or place where the offender shall be or reside, there to remain, without bail or mainprize, for any term not exceeding three calendar months, unless such penalties and forfeitures, and all reasonable charges attending the same, shall be sooner paid and satisfied; and the penalties and forfeitures, when so levied, shall be paid to or for the use of the parish or union where such offence shall have been committed, to be applied in aid of the poor-rate of such parish or union.

In what manner to be applied.

Owners, rate-payers, &c. competent witnesses.

C. And be it further enacted, that no owner of property, rate-payer, or inhabitant of any parish or union, shall be deemed an incompetent witness in any proceeding for the recovery of any penalty or forfeiture inflicted or imposed for any offence against this act, notwithstanding such penalty or forfeiture, when recovered, shall be applicable in aid of the poor-rate of such parish or union.

(83) This warrant of commitment may be in the ordinary form. See *Archbold on Convictions*, p. 355.

CI. And be it further enacted, that in all cases ^{Summons before conviction.} in which any penalty or forfeiture is recoverable, before the justices of the peace under this act, it shall and may be lawful for any commissioner or assistant commissioner, or any justice, to whom complaint in writing shall be made of any such offence, to summon (84) the party complained against to appear before any two justices, and on such summons the said two justices may hear and determine the matter of such complaint, and on proof of the offence convict the offender, and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same.

CII. And be it further enacted, that where any ^{Distress not unlawful for want of form in the proceedings; but satisfaction recoverable for special damage.} distress shall be made for any sum of money to be levied by virtue of this act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on ac-

(84) This summons may be in the following form :—

Berkshire: To C. D. of — in the said county, labourer.

Whereas complaint in writing hath this day been made to me J. P., one of his Majesty's justices of the peace for the county aforesaid, [or, one of the poor law commissioners for England and Wales.] for that you, on the — day of — [&c. stating the offence]: These are therefore to require you to appear before G. N. and H. O., esquires, two of his Majesty's justices of the peace for the county aforesaid, at — in the said county, on [Wednesday] next the — day of — instant, at the hour of [eleven] in the forenoon of the same day, to answer to the said charge, and to be further dealt with according to law. Herein fail you not. Given under my hand and seal, the — day of —, in the year of our Lord —.

J. P.

By sect. 82. the leaving of this summons at the usual or last known place of abode of the person to whom it is directed, shall be deemed good service.

Plaintiff not
to recover if
tender of
amends be
made.

count of any default or want of form in any proceedings relating thereto, nor shall the party distraining be deemed a trespasser *ab initio* on account of any irregularity which shall afterwards happen in making the distress, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action on the case: provided always, that no plaintiff shall recover in any action for any irregularity, trespass, or wrongful proceedings, if tender of sufficient amends shall be made, by or on behalf of the party who shall have committed or caused to be committed any such irregularity, trespass, or wrongful proceedings, before such action shall have been brought: and in case no such tender shall have been made, it shall and may be lawful for the defendant in any such action, by leave of the court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he shall see fit, whereupon such proceedings, or orders and judgment, shall be had, made, and given in and by such court, as in other actions where the defendant is allowed to pay money into court.

Appeal to the
quarter ses-
sions against
order of jus-
tices within
four calendar
months after
cause of com-
plaint, &c.

CHIII. Provided also, and be it further enacted, that if any person or persons shall find himself, herself, or themselves aggrieved by any order or conviction of any justice or justices, where such person or persons shall be convicted in any penalty or penalties exceeding five pounds, or if

any person shall find himself aggrieved by any order made under the provisions of this act on such person as the putative father of any bastard child, (85) it shall be lawful for such person or persons to appeal to any general or quarter sessions of the peace to be held in and for the county, riding or division in which such order shall have been made or conviction taken place, within four calendar months next after the cause of complaint shall have arisen, or if such sessions shall be held before the expiration of one calendar month next after such cause of complaint, then such appeal shall be made to the next following sessions, either of which court of sessions is hereby empowered to hear and finally determine the matter of the said appeal, and to make such order therein as to them shall seem meet; which order shall be final and conclusive to and upon all parties: provided that the person or persons so appealing shall give or cause to be given at least fourteen days' notice in writing of his, her, or their intention of appealing as aforesaid, and of the matter or cause thereof, to the respondent or respondents, and within five days after such notice shall enter into a recognizance before some justice of the peace, with sufficient securities, conditioned to try such appeal

Fourteen days' notice in writing to be given, &c. and recognizance to be entered into.

(85) The clause to which this was applicable was expunged in the House of Lords by the committee, and this has been allowed to remain in the act by mistake. It cannot be deemed to have reference to the order to be made on the putative father, under the 72d section, because that order must be made by the sessions; and an appeal from the sessions to the sessions would be absurd.

at the then next general sessions or quarter sessions of the peace which shall first happen, and to abide the order of and pay such costs as shall be awarded by the justices at such quarter sessions, or any adjournment thereof; and such justices, upon hearing and finally determining such matter of appeal, shall and may, according to their discretion, award such costs to the party appealing or appealed against as they shall think proper; and their determination in or concerning the premises shall be conclusive and binding on all parties to all intents and purposes whatsoever.

Limitation
of action.

CIV. And be it further enacted, that no action or suit shall be commenced against any commissioner, assistant commissioner, or any other person, for any thing done in pursuance of or under the authority of this act, until twenty-one days' notice has been given thereof in writing to the party or person against whom such action is intended to be brought, nor after sufficient satisfaction or tender thereof shall have been made to the party aggrieved, nor after three calendar months next after the act committed for which such action or suit shall be so brought; and every such action shall be brought, laid, and tried where the cause of action shall have arisen, and not in any other county or place; and the defendant in such action or suit may plead the general issue, and give this act and any special matter in evidence, at any trial which shall be had thereupon;

Defendant
may plead
the general
issue.

and if the matter or thing shall appear to have been done under or by virtue of this act, or if it shall appear that such action or suit was brought before twenty-one days' notice thereof given as aforesaid, or that sufficient satisfaction was made or tendered as aforesaid, or if any action or suit shall not be commenced within the time before limited, or shall be laid in any other county than as aforesaid, then the jury shall find a verdict for the defendant therein; and if a verdict shall be found for such defendant, or if the plaintiff in such action or suit shall become nonsuit, or suffer a discontinuance of such action, or if, upon any demurrer in such action, judgment shall be given for the defendant therein, then and in any of the cases aforesaid, such defendant shall have costs, charges and expenses, as between attorney and client, and shall have such remedy for recovering the same as any defendant may have for his or her costs in any other case by law.

Costs.

CV. And be it further enacted, that no rule, order, or regulation of the said commissioners or assistant commissioners, or any of them, shall be removed or removable by writ of certiorari into any court of record, except his Majesty's Court of King's Bench at Westminster; and that every rule, order, or regulation which shall be removed by writ of certiorari into the said Court of King's Bench shall nevertheless, unless and until the same shall be declared illegal by that court, con-

Rules, &c. to be removable by certiorari to Court of King's Bench.

Rules, &c. so removed to continue in force until declared illegal.

tinue in full force and virtue, and be obeyed, performed, and enforced, in such and the same manner, and by such and the same ways and means, as if the same had not been so removed.

Notice to be given to commissioners of application for writ of certiorari, &c.

Commissioners may show cause.

CVI. And be it further enacted, that no application shall be made for any writ of certiorari for the removal of any such rule, order, or regulation, except to the judges when sitting in the said court, nor unless notice in writing shall have been left at the office of the said commissioners at least ten days previous to such application being made, and in which notice shall be set forth the name and description of the party by or on behalf of whom and the day on which it is intended to make such application, together with a statement of the grounds thereof; and thereupon it shall be lawful for the said commissioners to show cause in the first instance against such application, and the court may, if it shall so think fit, forthwith proceed to hear and determine the same upon the grounds set forth in such notice.

Recognizances to be entered into.

CVII. And be it further enacted, that previous to any writ of certiorari being issued, the party or parties applying for the same shall enter into a recognizance, with sufficient sureties, before one of his Majesty's justices of the Court of King's Bench, or before a justice of the peace of the county or place in which such person shall

reside, in the sum of fifty pounds, with condition to prosecute the same, at his or their costs and charges, with effect, without any wilful or affected delay, and in default thereof, or in the event of such rule, order, or regulation being deemed legal, to pay the said commissioners their full costs, charges, and expenses, to be taxed according to the course of the said Court of King's Bench; and if the said rule, order, or regulation, so removed by the said writ of certiorari into the said Court of King's Bench, shall be declared legal by the said court, the commissioners entitled to such costs, within ten days after demand made of the person or persons who ought to pay the said costs, upon oath made of the making such demand and refusal of payment thereof, may recover the same in the same manner as any penalties and forfeitures are recoverable under this act.

If rule be declared legal, commissioners to be entitled to costs.

CVIII. And be it further enacted, that if upon the hearing of the application the court shall order a writ of certiorari to issue for bringing up any such rule, order, or regulation, and the same, being brought into court, shall be quashed as illegal, the said commissioners shall forthwith notify the judgment of the court to all unions, parishes, or places to which such rule, order, or regulation shall have been directed, and the same shall from the time of receiving such notice respectively be deemed and taken to be null and

If rules are quashed, the same to be notified to parishes to which such rules have been directed.

Proviso for
existing
contracts.

No person to
be answer-
able until
receipt of
notice.

void to all intents and purposes whatsoever: provided that such judgment shall not have the effect of annulling any contracts made in pursuance or upon the authority of any such rule, order, or regulation, which at the receipt of such notice respectively shall have been executed by either of the contracting parties: provided also, that no person shall be liable to be prosecuted, either by indictment or by civil action, for or in respect of any act done by him before the receipt of such notice, under the authority and in pursuance of such rule, order, or regulation.

Interpreta-
tion clause.

CIX. And be it further enacted, that in the construction of this act the word "*auditor*" shall be constructed to mean and include every person, other than justices of the peace acting in virtue of their office, appointed or empowered to audit, control, examine, allow, or disallow the accounts of any guardian, overseer, or vestrymen relating to the receipt or expenditure of the poor-rate; the words "*general rule*" shall be construed to mean any rule relating to the management of the poor or to the execution of this act, which shall at the time of issuing the same be addressed by the said commissioners to more than one union, or to more parishes or places than one not forming a union, or not to be formed into or added to a union under or by virtue of such rule; the word "*guardian*" shall be construed to mean and include any visitor, governor, director, manager,

acting guardian, vestryman, or other officer in a parish or union, appointed or entitled to act as a manager of the poor, and in the distribution or ordering of the relief to the poor from the poor-rate, under any general or local act of parliament; the words "*justice or justices of the peace*" shall be construed to include justices of the peace of any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, county of a town, cinque port, or town corporate, unless where otherwise provided by this act; the word "*oath*" shall be construed to include the affirmation of a Quaker, Separatist, or Moravian; the words "*orders and regulations*" shall be construed to mean and include any rule, order, regulation, or bye-law relating to the management or relief of the poor, or the execution of this act, which at the time of issuing the same shall be addressed, directed, or applied to any one parish or union, or to any number of parishes which have been or by virtue of any order shall be constituted a union or added to a union; the word "*officer*" shall be construed to extend to any clergyman, schoolmaster, person duly licensed to practise as a medical man, vestry clerk, treasurer, collector, assistant overseer, governor, master or mistress of a workhouse, or any other person who shall be employed in any parish or union in carrying this act, or the laws for the relief of the poor, into execution, and whether performing one or more of the above-

mentioned functions ; the word "*overseer*" shall be construed to mean and include overseers of the poor, churchwardens, so far as they are authorized or required by law to act in the management or relief of the poor, or in the collection or distribution of the poor-rate, assistant overseer, or any other subordinate officer, whether paid or unpaid, in any parish or union, who shall be employed therein in carrying this act or the laws for the relief of the poor into execution ; the word "*owner*" shall be construed to include any person for the time being in the actual occupation of any property rateable to the relief of the poor, and not let to him at rack rent, or any person receiving the rack rent of any such property, either on his own account or as mortgagee or other incumbrancer in possession ; and the words "*rack rent*" shall be construed to mean any rent which shall not be less than two-thirds of the full improved net annual value of any property ; the word "*parish*" shall be construed to include any parish, city, borough, town, township, liberty, precinct, vill, village, hamlet, tithing, chapelry, or any other place, or division or district of a place, maintaining its own poor, whether parochial or extra-parochial ; the word "*person*" shall be construed to include any body politic, corporate, or collegiate, aggregate or sole, as well as any individual ; the word "*poor*" shall be construed to include any pauper or poor or indigent person applying for or receiving relief from

the poor-rate in England or Wales, or chargeable thereto; the words "*poor law*" or "*laws for the relief of the poor*," shall be construed to include every act of parliament for the time being in force for the relief or management of the poor, or relating to the execution of the same, or the administration of such relief; the words "*poor-rate*" shall be construed to include any rate, rate in aid, mulct, cess, assessment, collection, levy, ley, subscription, or contribution raised, assessed, imposed, levied, collected, or disbursed for the relief of the poor in any parish or union; that the words "*general quarter sessions*" shall extend to and be construed to include general or quarter sessions, or adjournment thereof for any county, division of a county, riding, borough, liberty, division of a liberty, precinct, county of a city, city, county of a town, cinque port, or town corporate, unless where otherwise provided by this act; the word "*union*" shall be construed to include any number of parishes united for any purpose whatever under the provisions of this act, or incorporated under the said act made and passed in the twenty-second year of his late majesty King George the Third, intituled "*An Act for the better Relief and Employment of the Poor*," or incorporated for the relief or maintenance of the poor under any local act; the words "*united workhouse*" shall be construed to mean and include any workhouse of a union; the word "*vestry*" shall be construed to mean any open,

customary, or select vestry, or any meeting of inhabitants convened by any notice such as would have been required for the assembling of a meeting in vestry, at which meeting any business relating to the poor or the poor-rate shall be transacted or taken into consideration, so far as such business is concerned; the word "*work-house*" shall be construed to include any house in which the poor of any parish or union shall be lodged and maintained, or any house or building purchased, erected, hired, or used at the expense of the poor-rate, by any parish, vestry, guardian, or overseer, for the reception, employment, classification, or relief of any poor person therein at the expense of such parish: and wherever in this act, in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing, respectively, unless there be something in the subject or context repugnant to such construction.

Act may be
amended this
session.

CX. And be it further enacted, that this act may be altered, amended, or repealed in this present session of parliament.

APPENDIX I.

ORDERS AND REGULATIONS

ISSUED BY THE

POOR LAW COMMISSIONERS

FOR

England and Wales,

FOR THE GUIDANCE AND GOVERNMENT OF

THE BOARDS OF GUARDIANS.

Abstract

specifically, the use of the term "treatment theory" is not intended to imply that the theory is a treatment. The term "treatment theory" is used to describe a theory that is used to guide the development of a treatment. The term "treatment theory" is used to describe a theory that is used to guide the development of a treatment. The term "treatment theory" is used to describe a theory that is used to guide the development of a treatment.

•• [The following is a general Form of the Rules and Orders issued by the Poor Law Commissioners, upon the formation of any Union, for the guidance and government of the Board of Guardians which shall be elected for it. In particular cases, of course, such alterations are made in them, as may be rendered necessary from circumstances.]

To all to whom these presents shall come, We the Poor Law Commissioners for England and Wales, send Greeting.

WHEREAS, in pursuance of the powers given to us in and by an act passed in the fourth and fifth years of the reign of his present Majesty King William the Fourth, intituled "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," We, the Poor Law Commissioners for England and Wales, appointed under the said act, did, by an order under our hands and seal, bearing date the _____, order and declare that the parishes and places named in the margin of the said order, which are situated in the count of _____, being the same which are now named in the margin at the foot of this page, should, on the _____ day of _____ be, and thenceforth should remain united for the administration of the laws for the relief of the poor : And further, that on the _____ day of _____ and in the manner therein mentioned, the said parishes and places should respectively elect a guardian or guardians for the said Union.

Preamble
—
Recites or
der.

And whereas by the said act it is provided that the Poor Law Commissioners shall prescribe the duties of the guardians, and shall also, as and when they shall see fit, direct the guardians of any Union to appoint such paid officers, with such qualifications as the said Commissioners shall think necessary, for superintending or assisting in the administration of the relief and employment of the poor, either within or out of a workhouse, and for the examining and auditing, allowing or disallowing of accounts in such Union, and otherwise carrying the provisions of the said act into execution. And the said Commissioners are thereby empowered to define and specify and direct the execution of the respective duties, and determine the continuance in office or dismissal of such paid officers, and the amount and nature of the security to be given by, and regulate the amount of salaries payable to, such officers respectively, and the time and mode of payment thereof.

Recites the
clauses in the
act authorizing the Board of Poor Law Commissioners to direct the appointment of paid officers.

Preamble.

Now know ye that, in pursuance of the said provisions of the said act, We, the said Poor Law Commissioners, do hereby order, direct, and declare, that—

Guardians ; powers of board.

1. Orders that as soon as the board of guardians shall have been elected, the relief of the poor shall be under their control, &c.

1. Upon and from and after the said , the ordering and directing of all relief to the poor of the several parishes and places comprised in the Union constituted by the order hereinbefore recited, and the building, hiring, and providing of any workhouse, poorhouse, or other premises for the reception and maintenance of paupers therein, and the altering, improving, or enlarging the same, or any other existing workhouse or poorhouse within the said Union, and the regulation and management thereof, and the hiring or purchasing of land for such workhouse or workhouses, or for the employment of paupers therein, shall appertain and belong exclusively to the guardians of the said Union ; subject, however, in all cases to the powers of the Poor Law Commissioners for the time being, and such orders, regulations, rules, and directions as are herein contained, or as may hereafter be issued by the said Commissioners, and saving and excepting such powers and authorities as in the aforesaid act are given or reserved to justices of the peace and overseers of the poor.

2. No guardian to act except at a meeting of the board, and except, &c.

2. No guardian shall have power to act in virtue of such office, except as a member, and at a meeting of the said board of guardians, and except as hereinafter is provided with reference to summoning extraordinary meetings of the guardians, and except also as in the aforesaid act is excepted.

3. Three guardians concurring to be a quorum.

3. All the powers and authorities hereby or by the said act granted to or vested in such guardians, shall and may from time to time be exercised by the major part of the guardians who shall attend at any meeting to be holden as is herein directed. But no act of any such meeting, except for the purpose of adjourning the same, shall be valid, unless three guardians at least shall be present and concur therein.

4. Chairman and vice-chairman to be elected.

4. The guardians shall, at their first meeting, elect out of the whole number of guardians a chairman and a vice-chairman, who shall continue to act as such until the next annual election of guardians shall take place ; and at every meeting during the year the chairman, or in his absence the vice-chairman, shall preside ; and if at any meeting the chairman and vice-chairman shall be absent, the guardians present shall elect a chairman of that meeting : And when there shall be an equal number of votes upon any question, including the vote of the presiding chairman, he shall have a casting vote.

Meetings of board.

5. The first meeting to be on the next.

MEETINGS OF THE BOARD OF GUARDIANS.

5. The first meeting of the guardians shall be held at on the 183 , and

shall commence at ten o'clock in the forenoon : at which meeting every guardian is hereby required to attend : but if three guardians be present at such first meeting, the non-attendance of the remainder shall not invalidate the proceedings of such meeting.

Meetings of board.

6. The guardians shall meet once at the least in every week at for the execution of their duties, and shall, at their first meeting, determine upon some fixed day of the week, and some fixed hour between eight o'clock in the forenoon and two o'clock in the afternoon, for holding such weekly meetings, and also on some convenient place for holding the same.

6. At the first meeting the fixed day of weekly meeting to be settled.

7. Notice of the first of the said weekly meetings, and of the place, day, and hour fixed for holding the same, shall be given in manner hereinafter directed ; but it shall not be necessary to give notice of any other than the first of such weekly meetings.

7. As to notice.

8. If three guardians be not present at any weekly or other meeting, the guardian or guardians who shall be present shall adjourn the same to the next day of weekly meeting, or to such other day previous to the next weekly meeting as he or they shall think fit ; and thereupon the clerk shall make an entry in the minute-book of the adjournment, and of the cause thereof ; and in case no guardian shall attend, the clerk shall make an entry of such failure of attendance ; provided that, in either case, one hour and no more shall be allowed to elapse from the time fixed for the commencement of the meeting before any such entry be made as is above directed.

8. As to adjournment.

9. The majority of the guardians present at any weekly meeting may, if necessary, adjourn the same to the day of the next weekly meeting, or to such other day previous to the next weekly meeting, as they may think fit.

9. Power to adjourn.

10. Any two guardians, by a notice in writing, according to the Form A hereto annexed, may direct the clerk to the board of guardians to summon an extraordinary meeting of the board at any time by such notice as hereinafter is mentioned.

10. Extraordinary meetings.

11. Notice of the first weekly meeting of the guardians, and notice of adjournment of a weekly or other meeting, and notice of an extraordinary meeting, shall be given in writing according to the Forms B, C, and D, hereto annexed, and signed by the clerk to the board of guardians ; and two days at least before the day upon which the meeting to which such notice relates is to take place, the clerk to the board of guardians shall give or cause to be given to each guardian resident within the Union, or cause to be left at his place of abode, a copy of such notice.

11. As to notices.

12. If any case of emergency shall arise, requiring that a meeting of the guardians should immediately take place, they or any three of them may meet, and act as if a regular

12. Meetings in case of emergency.

Meetings of board. notice had been given; and may take such case into consideration, and give order therein, provided always that such order shall only be valid and have effect until the next weekly meeting of the board of guardians.

PROCEEDINGS OF THE BOARD.

- Proceedings of board.** 13. At each weekly meeting of the board of guardians the business shall be conducted in the following order:—
- 13. Order of proceeding: Minutes of former meetings to be read.** Firstly. They shall read over the minutes of the preceding weekly meeting, and of any extraordinary meeting which shall have been held during the preceding week, and cause an entry of the same having been so read to be made in the minutes.
- Business arising out of the same to be first transacted.** Secondly. They shall dispose of such business as may have arisen out of the minutes so read, and give the necessary directions thereon.
- To consider applications as to relief.** Thirdly. They shall consider and decide upon, and give the necessary directions respecting all applications which shall have been made since the last meeting, and also respecting the amount and nature of relief to be given or continued to the paupers upon the books of the parishes or places in the said Union, or within any of the workhouses thereof, until the next weekly meeting, or during such other time as such relief may be deemed to be necessary.
- To consider applications of paupers.** Fourthly. They shall hear and consider applications of any paupers which may be made at the existing meeting; but no such application shall be heard, unless such paupers shall have previously applied to the relieving officer for the parish from which such paupers claim relief.
- Employment of paupers to be fixed.** Fifthly. They shall determine the kind of work to be performed by the paupers, either in or out of the workhouse.
- To inspect books and accounts.** Sixthly. They shall examine the books and accounts of the several relieving officers, receive reports on the state of the workhouse or workhouses of the Union, and give all needful directions thereon.
- Directions to churchwardens, &c. respecting relief to be given.** Seventhly. They shall give the necessary directions to the churchwardens and overseers of the several parishes in the Union, for providing such sums as may be requisite for the relief of the poor of such parishes, and for defraying such proportion of the general expenses of the Union as shall be lawfully chargeable on such parishes respectively.
- To sign the minutes.** Eighthly. The guardians present, or the presiding chairman in their behalf, shall sign the minutes of the proceedings.

APPOINTMENT OF CLERK, TREASURER, AND RELIEVING OFFICERS.

14. At the first meeting of the guardians, or within one month after the same, the guardians shall appoint a fit and proper person to be clerk to the board of guardians, and a fit and proper person to be treasurer to the said Union, and shall take such security for the proper discharge of the said office of treasurer as shall seem to them necessary and fitting; and shall also appoint such and so many competent person or persons as the said board of guardians shall think fit, to be a relieving officer or relieving officers of the said Union, and shall likewise determine the parishes or places for which each such relieving officer shall act; and in case and so often as any person so appointed shall die, or resign, or be removed, the said board of guardians shall, as soon as conveniently may be after such death, resignation, or removal, proceed in like manner to a new appointment; and the salaries of such clerk, treasurer, or relieving officers, shall be such as the said poor law Commissioners shall from time to time direct.

14. Appointment of clerk, &c.

15. If any such clerk or relieving officer shall be at any time prevented by sickness or accident from the performance of his duties, the board of guardians may appoint a competent person to act as his temporary substitute.

15. In case of sickness.

16. If the board of guardians shall, in the event of any vacancy in the office of relieving officer or clerk, delay to make a new appointment, or to appoint a substitute in case of sickness or accident as aforesaid, the duties hereby required to be performed by such relieving officer shall, in the cases aforesaid, and also in the mean time, and until the first relieving officer shall be appointed as herein directed, be performed by the overseers of the poor of the several parishes and places in the Union respectively; and the duties of clerk to the board of guardians shall in the like cases be performed by the vice-chairman, or in his absence by some guardian to be appointed by the chairman.

16. When no fresh appointment made; by whom duties to be performed.

17. No person shall be chosen as such relieving officer unless he will undertake to reside in one of the parishes for which he may be appointed to act, and to devote his whole time to the employment, not following any other trade or profession whatsoever, nor unless he can read and write and keep accounts.

17. Relieving officer to reside in one of the parishes for which he acts.

DUTIES OF THE CLERK.

18. The following shall be the duties of the clerk:
Firstly, To attend all meetings of the guardians, and to enter punctually into a book at every meeting the minutes of all the proceedings thereat; which minutes

18. Duties of clerk.
To attend meetings, &c.

| | |
|--------------------------------|--|
| Duties of clerk. | shall be submitted to the presiding chairman of the same for his signature. |
| To keep accounts, &c. | Secondly. To keep all such accounts, books of account, minute-books, and other memoranda, as the board of guardians may think necessary, and as the poor law Commissioners may require. |
| To conduct correspondence, &c. | Thirdly. To conduct the correspondence of the board of guardians according to their directions ; and to make all necessary copies thereof, and preserve the same, and all letters and documents belonging to the Union. |
| To give notices. | Fourthly. To give such notices of adjourned and other meetings of the guardians as hereinbefore are mentioned. |
| To observe all orders, &c. | Fifthly. Generally to observe and fulfil all lawful orders and directions of the board of guardians ; and likewise the rules, orders, and regulations already, or to be hereafter, issued by the poor law Commissioners. |

DUTIES OF THE RELIEVING OFFICERS.

| | |
|--|--|
| 19. Duties of relieving officers. | 19. The following shall be the duties of each relieving officer :— |
| To attend meetings. | Firstly. To attend all weekly meetings of the guardians, and all other meetings when summoned for that purpose. |
| To receive applications for relief, &c. | Secondly. To receive all applications for relief, and to examine into the merits and circumstances of each case, and report the same to the board at their next weekly meeting. |
| To give temporary relief. | Thirdly. In cases of sudden and urgent necessity, to give such temporary relief as each case shall require, either by placing the pauper in the workhouse, or affording relief out of the house, in articles of absolute necessity, but not in money ; whether the applicant for relief be settled in any parish or place comprised in the Union or not. |
| To notify sickness of paupers. | Fourthly. As soon as he shall have had notice of the sickness of, or of any injury received by, any pauper in any of the parishes or places for which he may be appointed to act, he shall notify the fact to the medical officer, and in the mean time furnish such relief as the emergency of the case may call for ; and shall also furnish such further relief in or out of the workhouse as the case, upon the certificate of the medical officer, may appear to require. |
| To keep account of monies disbursed by him for poor. | Fifthly. To keep a separate, full, and true account of all monies received and disbursed by him, for or on account of the relief of the poor of each parish for which he shall be appointed to act, and also of all articles received and given out by him for the relief of the out-door poor, and to balance such account weekly. |

- and present the same for inspection and approval at the meeting of the guardians.
- Sixthly.** To report to the board of guardians, at their weekly meeting, all cases in which relief shall have been given by the churchwardens or overseers of the poor of any parish or place for which he shall be appointed to act.
- Seventhly.** To keep a book in which he shall enter the name of, and other particulars relating to the paupers relieved out of the workhouse, and the amount of relief afforded to them respectively; and to produce such book for the inspection of the guardians at every weekly meeting of the board.
- Eighthly.** Once in every quarter of a year, as soon as conveniently may be after the respective days following, namely, Lady-day, Midsummer-day, Michaelmas-day, and Christmas-day, he shall make out a list, according to form E, for each of the parishes or places for which he may be appointed to act, of the paupers who have received relief during the previous quarter, and of the relief afforded them in or out of the workhouse, and shall affix copies of such lists respectively upon the principal doors of the parish churches of the parishes or places for which such lists are made; which copies shall remain so affixed for three successive Sundays.
- Ninthly.** Generally to observe and fulfil all lawful orders and directions of the board of guardians, and likewise the rules, orders, and regulations already or to be hereafter issued by the Poor Law Commissioners.

Duties of relieving officers.

To report cases of relief given by churchwardens.

To enter names of paupers, &c. in a book.

To make out quarterly list.

To observe orders, &c.

DUTIES OF CHURCHWARDENS AND OVERSEERS OF THE POOR.

- Firstly.** The churchwardens and overseers of the poor of every parish or place in the Union shall make, assess, and collect all rates which shall be necessary for the relief of the poor, and for defraying all other charges and expenses which by law now are, or hereafter may be, chargeable on the same; and shall duly and properly satisfy all such charges and expenses; and shall at the end of each quarter, submit to the auditor of the Union a distinct account and balance-sheet, exhibiting the amount so collected and the amount so disbursed.
- Secondly.** They shall, from time to time, pay over from the rates so collected all such sums as by the authority of the board of guardians expressed to them in writing, according to the form K hereunto annexed, signed by the presiding chairman of any meeting, and two other guardians present at the same, and counterigned by

20. Duties of churchwardens and overseers.

To make and collect all rates, &c.

To pay over the same, &c.

Appendix I. : Orders and Regulations

Duties of
churchwardens and
overseers.

To provide a
rate book.

To cause the
relieving officer to give
temporary relief in case
of urgent necessity :
If given by
himself, to
report same.

To transmit
orders from
justices to the
relieving officer.

the clerk, shall be directed to be provided from the poor-rates of their respective parishes for the necessary relief of the poor thereof, and for defraying such proportion of the general expenses of the Union as shall be lawfully chargeable on such parishes respectively ; and shall pay over such sums to such person or persons, at such times and places, as by the same authority shall be directed, and shall take such person's receipt for the same ; and shall produce such authority and such receipt as their vouchers for those payments before the auditor of the Union in passing their quarterly accounts.

Thirdly. They shall provide, at the expense of the parish or place, a *Rate Book*, according to the form G hereunto annexed ; and shall duly and punctually make the entries therein of the several matters mentioned in the headings of the several columns of the said form ; and every rate for the relief of the poor in such parish or place, and the allowance of such rate by the justices, shall be recorded in the said rate book.

Fourthly. If any churchwarden or overseer of the poor of any parish or place in this Union shall, in any case of sudden and urgent necessity, deem it right that temporary relief to any pauper in articles of necessity should be given out of the workhouse, such churchwarden or overseer shall, if possible, cause the same to be given by the relieving officer for such parish or place ; but if such churchwarden or overseer shall give such relief himself, he shall forthwith report the same in writing to such relieving officer.

Fifthly. If any churchwarden or overseer of the poor of any parish or place in this Union shall be ordered, under the 54th section of the Poor Law Amendment Act, to give temporary relief in articles of absolute necessity, but not in money, to any poor person not settled nor usually residing in the parish, and shall give such temporary relief accordingly, he shall forthwith report the same in writing to the relieving officer for such parish or place.

Sixthly. If any churchwarden or overseer of the poor of any parish or place in this Union shall receive an order directing relief to be given to any person (duly certified under the hand and seal of one of the signing justices, to be of his own knowledge wholly unable to work), without requiring that such person shall reside in any workhouse, he shall forthwith transmit the same to the relieving officer for his parish, to be laid before the board of guardians at their next meeting, that the board of guardians may be enabled without delay to

give to the relieving officer the necessary directions as to the amount and nature of the relief to be given.
 Seventhly. The churchwardens and overseers of the poor of the several parishes or places in this Union are hereby enjoined in all things where their aid may be necessary or required by the said guardians, or by any relieving officer acting under the directions of the said guardians, to give their aid in carrying the orders of the said guardians into effect, and generally to observe and fulfil all lawful orders and directions of the board of guardians, and likewise the rules, orders, and regulations already, or to be hereafter issued by the Poor Law Commissioners.

Duties of churchwardens and overseers.

To assist in carrying into effect orders of guardians.

RELIEF.

21. Immediately from and after the first meeting of the board of guardians above directed, the guardians of the Union, and the churchwardens and overseers of the several parishes and places comprised therein, and the relieving officers for the said Union, immediately from and after the time of their appointment, shall, to such extent as in the convenient and proper discharge of their several duties they may be enabled, observe and conform to, and carry into effect the following RULES and REGULATIONS, relating to the relief of the poor in the said Union; and from and after the day of 183 , the said rules and regulations shall become peremptory and binding upon the parties above mentioned, and shall not be departed from in any case, nor shall any relief be thereafter given from the poor-rates of any parish or place in the Union contrary thereto:—

Relief.

21. Relief to be given according to following rules.

Firstly. No relief shall be given in money (except in cases of sickness or accident) to any able-bodied male pauper who is in employment, (the same not being parish work,) and in the receipt of earnings; nor to any part of his family who shall be dependent on him, or for whose relief and maintenance he shall be liable.

No money to be given to able bodied, &c.

Secondly. If any able-bodied male pauper shall apply to be set to work by the parish, one half at least of the relief which may be afforded to him or to his family shall be in kind.

If employed by parish, one half of relief to be in kind.

Thirdly. One half at least of the relief which may be afforded to widows or single women, not being aged or infirm, shall be in kind.

One half of relief to widows, &c. to be in kind.

Fourthly. No relief shall be given to any able-bodied male pauper by payment or payments of, for, or on account of the rent for his house or lodging, or for the house or lodging of any part of his family who shall be dependent upon him, and for whose relief and main-

No relief to be given on account of rent.

Relief.

No relief to be given to non-resident paupers, except, &c.

tenance he shall be liable, or by allowance towards such rent.

Fifthly. Except in case of accident, sickness, or other urgent necessity, no relief shall be afforded from the poor-rates of any parish or place comprised in the said Union, to any pauper between the ages of sixteen and sixty, belonging to any such parish or place comprised in the said Union, who shall not be resident therein: Provided always that this regulation shall not extend to any person not being an able-bodied male pauper between the ages of sixteen and sixty, who shall, on the day herein appointed for the first meeting of the guardians, be in the receipt of relief from any parish or place comprised in the said Union, although not resident in such parish or place, and although such person shall continue a non-resident; but in every such case due inquiry shall be made as to the propriety of such relief being continued.

MEDICAL RELIEF.

Medical relief.

22. To contract for medical officer.

22. The guardians shall contract with some competent person or persons duly licensed to practise as a medical man, to be the medical officer or officers of the said Union, and to attend duly and punctually upon all sick paupers belonging to and resident within the Union, either in the workhouse or otherwise, and to supply such sick paupers with necessary medicines; and such contract shall contain a clause, by which the said medical officer shall engage to attend, at a fair and reasonable charge per head, to be named in such contract, on all persons not belonging to any parish or place comprised in the said Union, whom by law any such parish or place may be bound to relieve, whether under suspended orders of removal or otherwise.

Medical officer to give certificates when required.

23. The medical officer shall, in every case, when required by the guardians, or the relieving officer, or by the pauper on whom he is attending, give a certificate under his hand of the sickness of such pauper, or other cause of the attendance of such medical officer, the extent and nature of such sickness at the time of giving such certificate, and its probable duration, and such other particulars as may show how far the applicant is prevented from attending to his usual calling.

To make weekly return.

24. The medical officer shall make a weekly return to the board of guardians, according to the Form F hereunto annexed, and shall also attend the board of guardians when summoned by them.

RELIEF BY WAY OF LOAN.

25. Any relief, or the cost price thereof, ~~which the board~~ **Relief by**
of guardians shall, after due consideration of the circum- **way of loan.**
stances of the case, think fit to give by way of loan, to or on
account of any able-bodied male pauper, between the ages of
twenty-one and sixty; or to or on account of his wife, or any
part of his family under the age of sixteen, shall be consi-
dered as a loan to such pauper, and shall be recoverable
as such under the provisions of the Poor Law Amendment
Act.

PURCHASE OF PROVISIONS AND OTHER ARTICLES.

26. The board of guardians shall order and direct the **Purchase of**
purchasing of the supplies of bread, flour, and meat, and **provisions,**
other articles required for use in the workhouse, or for the **&c.**
relief of the paupers out of the workhouse, in such manner
as may appear to such guardians best calculated to prevent
imposition and to promote economical management; and
that, with such view, such purchases shall, so far as circum-
stances will allow, be made upon tenders after public adver-
tisement in one country newspaper at least.

ACCOUNTS.

27. The guardians shall, at their first weekly meeting, or **Accounts.**
within one month of the same, appoint a competent person
to be auditor of the accounts, and immediately report such
appointment to the Poor Law Commissioners; and such au-
ditor shall, four times in every year, that is to say, within
thirty days of each of the following days, namely, Lady-
day, Midsummer-day, Michaelmas-day, and Christmas-day,
examine and audit, allow or disallow, the accounts of the
said Union and of the several parishes comprised therein,
according to the laws in force for the time being for the ad-
ministration of the relief of the poor; and the said auditor,
having audited the quarterly account, shall with his own
hand write a certificate of such audit at the foot of such ac-
count, according to the Form H hereunto annexed; and
such accounts so audited, allowed, and certified, shall be
open at all reasonable times to the inspection of the rate-
payers of the parish or place to which such accounts relate,

28. That such auditor shall receive for the performance of **And write**
such duty, such sum as the board of guardians, with the con- **certificate of**
sent of the Poor Law Commissioners, shall determine; and **such audit.**
the auditor so appointed shall remain in office (unless he shall
previously die or resign,) until he be removed therefrom by

27. Guar-
dians to ap-
point an au-
ditor, who
shall audit
the accounts
quarterly;

And write
certificate of
such audit.

23. As to sa-
lary.

Accounts. — the said Commissioners, or by the said board of guardians, with the consent in writing of the said Commissioners; and in either of such cases another auditor shall be in like manner appointed.

Given under our hands and seal, this day
of , in the year one thousand eight
hundred and thirty .

(Signed)

L. S.

T. FRANKLAND LEWIS,
JOHN GEORGE SHAW LEFEVRE,
GEO. NICHOLLS.

FORM A.

Requisition for an Extraordinary Meeting of Guardians.

To the Clerk to the Guardians }
of the Union. }

Sir,

We the undersigned, being two of the Guardians of the Poor of the Union, do hereby require and direct you to summon an Extraordinary Meeting of the Guardians of the said Union, to be holden at

on the
day of 183 , at
o'clock in the forenoon, to take into consideration [set out the motion.]

FORM B.

Notice of First Weekly Meeting.

To A. B.

Guardian of the Poor of the
Union.

Sir,

You are hereby informed that the First Weekly Meeting of the Board of Guardians of the Union, will take place at

the day of
183 , at o'clock in the forenoon, for the transaction of business; and that meetings of the said board will henceforth be held at the same place, on in every week at the same hour of in the forenoon.

_____, Clerk to the Board of Guardians
of the Union.

Appendix I.: Orders and Regulations

FORM C.

Notice of an adjourned Meeting of Guardians.

Sir,
This is to give you notice that an adjourned meeting of the Guardians of the Poor of the _____ Union will be held at _____ on _____ the _____ day of _____ 183 , to take into consideration [*set out the motion*]; which meeting you are hereby requested to attend.

_____, Clerk to the Guardians of the Poor
of the _____ Union.

FORM D.

Notice of Extraordinary Meeting of Guardians.

To A. B.

Sir,
I am directed by C. D. and E. F., two of the Guardians of the Poor of the _____ Union, to summon an Extraordinary Meeting of the Guardians of the said Union at _____ on _____ the _____ day of _____ 183 , at _____ o'clock in the forenoon, to take into consideration [*set out the motion*]; which meeting you are hereby requested to attend.

_____, Clerk to the Guardians of
the _____ Union.

FORM H.

CERTIFICATE OF AUDITOR.

I have examined all the items in this account, and compared them with the vouchers, and I do hereby certify and declare that every entry allowed by me is correct, and in strict conformity with the rules, orders, and regulations of the Poor Law Commissioners, and the provisions of 4 & 5 W. 4. c. 76.

Auditor.

FORM K.

Union.

To A. B. and C. D., Churchwardens and Overseers [or Overseers, as the case may be] of the Parish [or Township, as the case may be].

You are hereby authorized and directed to pay to F. G.

of on the day of
at the sum of pounds

shillings and pence, from the poor-
rates of the said parish [or township, as the case may be], towards
the relief of the poor thereof, and towards defraying such propor-
tion of the general expenses of the Union as is lawfully charge-
able on the said parish [or township, as the case may be], and
you shall take the receipt of the said F. G. for the said sum
of £ . . .

Given under our hands, at the meeting of the Guardians of
the said Union, held on the day of
183 .

(Signed) X. Y. { Presiding
Chairman.
W. Z. } Guardians.
U. V. }

(Countersigned)

R. S., Clerk to the Board
of Guardians of the said
Union.

ORDERS AND REGULATIONS
FOR THE GOVERNMENT OF
THE WORKHOUSES AND POORHOUSES
OF THE
_____ UNION.

ADMISSION OF PAUPERS.

I. PAUPERS may be received into the workhouse in any one of the following modes, and in no other, viz.—

By an order of the Board of Guardians, signified in writing.
By a provisional order in writing, signed by a relieving officer.

By the master of the workhouse, without any such order, in case of any sudden or urgent necessity.

II. No pauper shall be admitted under any written order as above mentioned, if the same bear date more than six days before the pauper presents it, and claims to be admitted.

III. If a pauper be admitted by the provisional order of a relieving officer, or by the master of the workhouse, in a case of sudden and urgent necessity, the admission of such pauper shall be brought before the Board of Guardians at their next weekly meeting, who shall decide on the propriety of the pauper's continuing in the workhouse or otherwise, and order accordingly.

IV. As soon as a pauper is admitted, he or she shall be placed in some probationary room, and shall there remain until examined by the medical officer of the workhouse.

V. If the medical officer upon such examination pronounces the pauper to be labouring under any disease of body or mind, the pauper shall be placed either in the sick ward, or the ward for lunatics and idiots not dangerous, as the medical officer shall direct.

VI. If the medical officer pronounces the pauper to be free from disease, the pauper shall be placed in the workhouse assigned to the class to which he or she may belong, and shall

thereafter be treated according to the regulations hereinafter contained.

VII. Before removal from the probationary ward, the pauper shall be thoroughly cleansed, and if adult, shall be clothed in the workhouse dress; and the clothes which he or she wore upon admission shall be purified, and deposited in a place to be appropriated for that purpose, to be restored to the pauper on leaving the workhouse.

VIII. The clothing of the paupers shall be made of such materials as the Board of Guardians shall determine, and shall, so far as possible, be made by the paupers in the workhouse.

CLASSIFICATION OF PAUPERS.

IX. The indoor paupers shall be classed as follows, and to each class shall be assigned by the Board of Guardians that workhouse or poorhouse which may be best fitted for the reception of such class, and in which they shall respectively remain unless as is hereinafter provided.

1. Aged or infirm men.
2. Able-bodied men, and youths above thirteen.
3. Youths and boys above seven years old and under thirteen.
4. Aged or infirm women.
5. Able-bodied women, and girls above sixteen.
6. Girls above seven years of age and under sixteen.
7. Children under seven years of age.

Provided that, if in special cases the Board of Guardians deem it advisable, that they shall be at liberty to make exceptions to the above classification of the inmates of any of the workhouses, in favour of individuals of the first and fourth classes.

Provided also, that it shall be in the discretion of the Guardians to place any boy, between the ages of thirteen and sixteen, in either of the classes 2 or 3.

X. Any paupers may be taken out of their respective classes, and employed as nurses or as assistants to the nurses in any of the sick wards, or in the care of infants, or as superintendents or assistants in the household work for any of the classes, and may be so employed either constantly or occasionally. Provided always, that no pauper of the fifth or sixth class be allowed personal communication with any pauper of the second or third class, except as nurse or as assistant to a nurse.

XI. The children of the seventh class shall be placed either in a ward by themselves, or in such of the wards appropriated to the female paupers as the Board of Guardians shall direct.—The mothers of such children to be permitted to have access to them, at such reasonable times as the Guardians shall appoint.

—With the foregoing exceptions, no pauper of one class shall be allowed to enter the wards or yards appropriated to any other class.

XII. The paupers of the several establishments comprised in the parish or Union, shall be employed in any work which may be needed, and of which they may be capable, for the use of any or all of the establishments within the Union, or in any other way the Board of Guardians may direct.

DISCIPLINE AND DIET.

XIII. All the paupers in the workhouse, except the sick, the aged and infirm, and the young children, shall rise, be set to work, and be kept to work twelve hours each day in summer and eleven hours in winter, including meals, for which two hours in the whole shall be allowed and no more.

XIV. Half an hour after the bell shall have been rung for rising, the names shall be called over in the several wards provided for the second, third, fifth, and sixth classes, when every pauper belonging to the ward must be present, to answer to his or her name, and to be inspected by the master or matron, except by reason of sickness or tender years.

XV. No pauper of the second, third, fifth, or sixth classes, shall be allowed to go or to remain in his or her sleeping-ward, either in the time hereby allotted for work, or in the intervals allowed for meals, except by permission of the master.

XVI. As regards aged and infirm persons and children, the master and matron of the workhouse shall (subject to the directions of the Board of Guardians) fix such hours of rising and going to bed, and such occupation and employment as may be suitable to their respective ages and conditions.

XVII. The boys and girls who are inmates of the workhouse shall, for three of the working hours, at least, every day, be respectively instructed in reading, writing, and in the principles of the Christian religion, and such other instructions shall be imparted to them as are calculated to train them to habits of usefulness, industry, and virtue.

XVIII. The meals for the aged and infirm, the sick, and children, shall be provided at such times and in such manner as the Board of Guardians may direct.

XIX. The diet of the able-bodied paupers shall be so regulated as in no case to exceed in quantity and quality of food, the ordinary diet of any class of able-bodied labourers living within the same district.

XX. No pauper shall be allowed to have or use any wine, beer, or other spirituous or fermented liquors, unless by the direction in writing of the medical officer, who may also order for any individual pauper such change of diet as he shall deem

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necessary ; and the master shall report such allowance or changes of diet so made, to the next meeting of Guardians, who may sanction, alter, or disallow the same at their discretion.

XXI. No pauper shall be allowed to work on his own account whilst an inmate of the workhouse ; the Union which supports him being entitled to the full produce of his labour.

XXII. Any pauper may quit the workhouse giving the master three hours' previous notice of his wish to do so ; but no able-bodied pauper, having a family, shall so quit the house without taking the whole of such family with him or her, unless the Board of Guardians shall otherwise direct ; nor shall any pauper, after so quitting the house, be again received into the house, unless in one of the modes prescribed in Rule I. for the admission of paupers.

XXIII. No person shall be allowed to visit any pauper in the workhouse, except by permission of the master, and subject to such conditions and restrictions as the Board of Guardians may direct ; provided that the interview shall always take place in the presence of the master or matron, and in a room separate from the other inmates of the workhouse, unless in case of sickness : Provided also, that any licensed minister of the religious persuasion of any inmate of such workhouse, at all times in the day, on the request of such inmate, may visit such workhouse for the purpose of affording religious assistance to such inmate, and also for the purpose of instructing his child or children in the principles of their religion—such religious assistance, and such instruction, being strictly confined to inmates who are of the religious persuasion of such licensed minister, and to the children of such inmates.

XXIV. No work, except the household work and cooking, shall be performed by the paupers on Sunday.

XXV. All the paupers shall attend Divine Service, except the sick and the young children, and such as are too infirm to do so, and except also those paupers who may object so to attend, on account of their professing religious principles differing from those of the church of England.

XXVI. Any pauper who shall neglect to observe such of the foregoing rules as are applicable to him or her,

Or who shall make any noise when silence is ordered ;

Or use obscene or profane language ;

Or by word or deed insult or revile any other pauper in the workhouse ;

Or who shall not duly cleanse his or her person ;

Or neglect or refuse to work ;

Or pretend sickness ;

Or who shall wilfully waste or spoil any provisions, or stock, or tools, or materials for work ;

Or wilfully damage any property whatsoever belonging to the parish or Union ;

Or disobey any of the legal orders of the master or matron, or other superintendent ;
shall be deemed disorderly, and shall be placed in apartments provided for such offenders, or shall otherwise be distinguished in dress, and placed upon such diet as the Board of Guardians shall prescribe.

XXVII. Any pauper who shall, within seven days, repeat one of the offences specified in Rule XXVI. ;

Or commit a second of the offences specified in Rule XXVI. ;

Or who shall by word or deed insult or revile the master or matron, or any officer of the parish or Union ;

Or who shall be guilty of any act of drunkenness or indecency ;

shall be deemed to be refractory, and shall be punished by such confinement and alteration of diet as the Board of Guardians shall direct, by any regulation for that purpose ; but no pauper shall be confined under this rule for any misbehaviour or offence, for a longer period than twenty-four hours, or for such further space of time as may be necessary, in order to have such pauper carried before a justice of the peace, to be dealt with according to law.

VISITING COMMITTEE.

XXVIII. The Guardians shall appoint a Visiting Committee from their own body, whose duty it shall be to examine the workhouse or workhouses of the Union once every month at the least, and after a careful inspection, to write such answers as the facts may warrant to the following queries, which are to be printed in a book, entitled the Visitor's Book, to be kept for that purpose, and submitted regularly to the Board of Guardians at their weekly meeting.

1. Is the house clean and well ventilated in every part ?—if not, state particulars of every defect or omission.
2. Are the inmates generally healthy, or is there any sickness prevalent among them ?—if so, state particulars, and especially if any dangerous or highly infectious case of illness exists in the house.
3. Are the able-bodied male inmates kept at work as directed by the Board of Guardians ?—if not, and if any improvement in the mode or description of their employment can be suggested, state the same.
4. Are the able-bodied females properly employed in household work, and in such other manner as is fitting, and as the Board of Guardians have directed ?—if not, and if any improvement can be suggested, state the same.
5. Are the aged and infirm of both sexes kept in employment, as far as they are severally able ? are they all properly attended to, according to their respective conditions ?—if any thing objectionable is noticed, or any useful suggestion occurs, record the same.

6. Are the schools regularly attended to by the master and mistress? are the youths, boys and girls properly instructed and set to work, and is due care taken to fit them for becoming useful and respectable members of the community?
7. Are the children kept clean in their persons, and does their general conduct and behaviour appear to be properly attended to and regulated?
8. Do the inmates of the workhouse, of all classes, appear clean in their persons, and decent and orderly in their language and demeanour?—if not, state the exceptions, and the names of the parties failing in this respect.
9. Is the separation of all the various classes within the house strictly enforced at all times?—state particulars of every instance of deviation from the rules in this respect, if such shall have occurred; and the particular attention of the visitors is directed to this very important point of discipline.
10. Is the established dietary duly observed?—and are the hours of meals regularly adhered to?
11. Is divine service regularly performed in the house?—are prayers regularly read?
12. Is regular attendance given by the Medical Officer?—inspect his last report.

XXIX. For the performance of the duties and ensuring the observance of the rules herein set forth, the Board of Guardians shall appoint any or all of the following officers and servants, with such assistants as may be deemed necessary, that is to say,

*Masters of the Workhouses,
Matrons of the Workhouses,
Schoolmasters,
Schoolmistresses,
Medical Officers,
Porters,
Nurses,*

who shall severally perform such duties as are herein set forth, together with all such other duties as the said Board of Guardians shall lawfully require them to execute.

XXX. The Board of Guardians shall allow to the several officers and servants of the workhouse so to be appointed, such amounts of salary or remuneration as the Board may think fit, and as the Poor Law Commissioners shall sanction.

XXXI. The Board of Guardians shall, at their discretion and when they think necessary, suspend from the discharge of their duties any master, matron, schoolmaster, or medical officer of the Union, and forthwith report the same, together with the cause of such suspension, to the Poor Law Commissioners for England and Wales, for their decision thereon.

XXXII. The Board of Guardians shall, from time to time as they shall think necessary, dismiss any of the other officers or

servants of the workhouses not enumerated in the preceding Rule XXXI., and appoint others in their room, without prejudice, nevertheless, to the powers given to the Commissioners by the Poor Law Amendment Act.

MASTER.

XXXIII. The following shall be the duties of the Master of the workhouse :—

1. To admit paupers into the workhouse, and to cause them to be examined by the medical officer, and to be cleansed, clothed, and placed in the proper wards, according to the regulations herein established.
2. To enforce industry, order, punctuality, and cleanliness, and the observance of the several rules herein contained, by the paupers in the workhouse, and by the several officers, servants, and other persons therein employed.
3. To read prayers to the paupers before breakfast, and after supper every day, or cause them to be read—at which all the inmates must attend; but if any of the paupers shall profess religious principles indisposing them to unite in such service, they are to be permitted to sit apart, and not to be compelled to join in the same.
4. To inspect and call over the names of the paupers, according to Rule XIV., immediately before morning prayers every day, and see that each individual is clean, and in a proper state.
5. To provide for and enforce the employment of the able-bodied adult paupers during the whole of the hours of labour; to train the youth in such employment as will best fit them for service; to keep the partially disabled paupers occupied to the extent of their ability; and to leave none who are capable of employment idle at any time.
6. To visit the sleeping wards of the first, second, and third classes at eleven o'clock every day, to see that they have been all duly cleaned and properly ventilated.
7. To see that the meals of the paupers are properly dressed and served, and to superintend the distribution thereof.
8. To say or cause to be said grace before and after meals.
9. To see that the dining halls, tables and seats are cleaned after each meal.
10. To visit all the wards of the male paupers at *nine o'clock every night*, and see that all the male paupers are in bed, and that all fires and lights are extinguished.
11. To receive from the gatekeeper the keys of the workhouse at *nine o'clock* every night, and to deliver them to him again at *seven o'clock* every morning.
12. To send for the *Medical Officer* in case any pauper is taken ill, and to take care that all sick and lunatic paupers be provided with such medicines and attendance, diet, and other necessities, as the medical officer shall in writing direct.

13. In case any pauper shall die in the workhouse, the master shall inform the medical officer, in order that he may examine into and certify the cause thereof in writing, for the information of the Board of Guardians; and the master of the workhouse shall also, so far as may be practicable, forthwith inform the friends of the pauper of his or her decease, in order that they may remove the body for interment; and in case the body is not so removed within a reasonable time, the same shall be interred, at the expense of the parish to which the pauper belonged.

14. The master shall take charge of the clothes, and other articles, if any, of such deceased pauper, and shall deliver an inventory thereof to the next meeting of the Board of Guardians, who shall give the necessary directions respecting the same.

15. The master shall keep the following books, which shall be constantly open to the inspection of any of the Guardians of the Union, and be submitted to the Board at their weekly meetings:—

An Admission and Discharge Book, according to the annexed Form A.

A Store Account Book, according to the annexed Form B.

A Work-Book, showing daily the several kinds of work on which the paupers are employed, and stating the numbers occupied on each description of labour;—together with such explanations as shall be necessary for a clear understanding of the state of the labour department in all its details.

A Register of births and deaths of paupers which may take place in the workhouse.

16. At each weekly meeting of the Board of Guardians, to present or send to the Board an *estimate* of such provisions and other articles as will be required for the use of the workhouse, and to receive and execute the directions of the Board thereupon.

17. To receive all provisions and other articles purchased or procured for the use of the workhouse, and before placing them in store, to weigh, examine, and compare the same with the bills of parcels severally relating thereto; and after having proved the accuracy of such bills in all respects, to authenticate the same with his signature, and submit them to the Board of Guardians at their next meeting.

18. To receive and take charge of all provisions, clothing, linen, and other articles belonging to the workhouse, or confided to his care by the Board of Guardians of the said Union.

19. Not to purchase or procure any articles for the use of the workhouse, nor to order any alterations or repairs of any part of the premises, or of the furniture, or other articles belonging thereto, nor to pay any monies on account of the workhouse, or of the Union, without the order, in writing, of the Board of Guardians, being first duly entered in the *Order-Book* provided for that purpose.

20. To take care that the wards, rooms, larder, kitchen, and

all offices of the workhouse, and all the utensils and furniture thereof, be kept clean and in good order, and that all the rooms and wards in the workhouse be lime-washed twice in each year.

21. To read over to the paupers the Regulations herein contained, at such times as the Board of Guardians shall direct.

22. To report to the Board of Guardians, from time to time, the names of such children, or boys and girls as it may be desirable to put out to service, or as apprentices, and take the necessary steps for effecting the same under the direction of the Board of Guardians.

23. To report all matters of interest or importance, as the same shall occur, to the Guardians, and to keep them informed of the state of the workhouse in every department, as well as of the condition of the Union generally, as far as he may be able to learn the same; and to offer suggestions to the Guardians for the correction of abuses, and the introduction of improvements in the management of the workhouse; and generally to observe and fulfil all lawful orders and directions of the Board of Guardians, and likewise the rules, orders, and regulations already, or to be hereafter issued by the Poor Law Commissioners for England and Wales.

MATRON.

XXXIV. The following shall be the duties of the Matron of the workhouse :—

1. To see that the in-door work of the establishment is, as far as possible, performed by the female paupers maintained therein.

2. To provide for and enforce the employment of the able-bodied female paupers during the whole of the hours of labour; and to keep the partially disabled paupers occupied to the extent of their ability.

3. To visit all the wards of the females and children every night, and to ascertain that all the paupers in such wards are in bed, and the fires and lights duly extinguished.

4. To pay particular attention to the moral conduct and orderly behaviour of the female paupers and children; to see that they are clean and decent in their dress and persons, and to train them up in such employments as will best fit them for service.

5. To superintend and give the necessary directions for making and mending the clothing supplied to the female paupers and pauper children; and also the linen supplied to the male paupers of the Union; and to take care that all such clothing or linen be marked with the name of the Union.

6. To see that every pauper in the workhouse has clean linen and stockings once a week, and that all the beds be supplied with clean sheets once a month.

7. To take charge of the linen and stockings for the use of the paupers, and any other linen in use in the house, and to superintend and give the necessary directions concerning the washing, drying, and getting up the same, and not to permit any to be dried in the sleeping wards, or of the sick, or lunatic wards.

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8. To take care, with the assistance of the nurses, of the sick paupers and young children in the workhouse ; to see that they are clean in their persons, and to provide such diet for the sick paupers and young children as the medical officer shall direct, and to furnish them with such changes of clothes and linen as may be necessary.

9. To assist the master in the general management and superintendence of the workhouse, and especially in

Enforcing the observance of good order, cleanliness, punctuality, industry, and decency of demeanour among the paupers.

The cleansing and clothing of female paupers on their admission.

The cleansing and ventilating the sleeping wards and the dining halls, and all parts of the premises.

The placing in store and taking charge of the provisions, clothing, and linen belonging to the Union or parish.

10. And generally to observe and fulfil all lawful orders and directions of the Board of Guardians, and the rules, orders, and regulations issued by the Poor Law Commissioners.

SCHOOLMASTER AND SCHOOLMISTRESS.

XXXV. The Schoolmaster and Schoolmistress of the workhouse shall instruct the boys and girls in the house, as directed in rule XVIII.

MEDICAL OFFICER.

XXXVI. The following shall be the duties of the Medical Officer.

1. To attend at the workhouse at such stated times as may be directed by the Board of Guardians, and also when sent for by the master or matron of the workhouse, in cases of sudden illness, accident, or other emergency ; and at all such other times as the state of the sick or lunatic patients within the workhouse may render necessary.

2. To examine into the state of the patients in the sick and lunatic wards ; and also into the state of those sick paupers who have not yet been removed there, and also to examine into the state of the paupers on their admission into the workhouse.

3. To ascertain and report to the Board of Guardians, the cause and circumstances of every death which may take place in the workhouse.

4. To give all necessary directions as to the diet, classification, and treatment of sick and lunatic paupers, and to provide the requisite medicines, and to make up in writing, in the form and according to the instructions in schedule C, a register of the sickness and mortality which may have obtained amongst the paupers in the workhouse, together with such remarks on their general health and state as he may deem fitting, to be laid before the Guardians at each weekly meeting of the Board. In which book also, the medical officer shall insert the date of every attendance at the workhouse.

(B.)

| Date. | Folio in Weekly Check Book. | Day of the Week. | Numbers in the House. | | Daily weights and quantities of Food, as per Diet Table, to each Person. | Bread. | Meat. | Butter. | Cheese. | Potatoes. | Peas. | Oatmeal. | Candles. | Soap. | Coals. | Flour. |
|-------|--------------------------------|---------------------|--------------------------|-------|---|--------|-------|---------|---------|-----------|-------|----------|----------|-------|--------|--------|
| | | | Female. | Male. | | | | | | | | | | | | |
| | | | | | | lbs. | lbs. | lbs. | lbs. | lbs. | qrts. | lbs. | lbs. | lbs. | | lbs. |

Account of the Daily Expenditure of Stores and Provisions in the Workhouse of

APPENDIX II.

STATUTES.

1 WILL. 4, c. 18.

An Act to explain and amend an Act of the Sixth Year of His late Majesty King George the Fourth, as far as regards the Settlement of the Poor by the renting and Occupation of Tenements.
[30th March 1831.]

Whereas by an act passed in the sixth year of the reign of his late Majesty George the Fourth, intituled "An Act for the Amendment of the Law respecting the Settlement of the Poor, as far as regards renting Tenements and paying Parochial Taxes," it was among other things enacted, that no person shall acquire a settlement in any parish or township maintaining its own poor by or by reason of settling upon, renting, or paying parochial rates for any tenement not being his or her own property, unless such tenement shall consist of a separate and distinct dwelling house or building, or of land, or of both, *bonâ fide* rented by such person in such parish or township at and for the sum of ten pounds a year at the least for the term of one whole year; nor unless such house or building, or land, shall be occupied under such yearly hiring, and the rent for the same to the amount of ten pounds actually paid for the term of one whole year at the least: provided always, that it shall not be necessary to prove the actual values of such tenements; any thing in any act or acts, or any construction of or implication from any act or acts, or any usage or custom, to the contrary notwithstanding: and whereas doubts have arisen with respect to the intentions of the legislature concerning the occupation of such house, building, or land by the person hiring the same, and concerning the amount of the rent to be paid and the person paying the same: and whereas it is expedient that such doubts should be removed; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled,

No person shall acquire a settlement by reason of a yearly hiring of a tenement, or of land, unless he shall actually occupy the same.

and by the authority of the same, that from and after the passing of this act no person shall acquire a settlement in any parish or township maintaining its own poor, by or by reason of such yearly hiring of a dwelling house or building, or of land, or of both, as in the said act expressed, unless such house or building, or land, shall be actually occupied under such yearly hiring in the same parish or township, by the person hiring the same, for the term of one whole year at the least, and unless the rent for the same, to the amount of ten pounds at the least, shall be paid by the person hiring the same.

Payment to the amount of 10*l.* shall gain a settlement.

II. Provided always, and be it further enacted, that where the yearly rent shall exceed ten pounds, payment to the amount of ten pounds shall be deemed sufficient for the purpose of gaining a settlement under the said recited act.

1 & 2 WILL. 4, c. 42.

An Act to amend an Act of the Fifty-ninth year of His Majesty King George the Third, for the Relief and Employment of the Poor.
[15th October 1831.]

50 G. 3, c. 12.

Churchwardens, &c. may provide land to a certain extent for employment of the poor.

WHEREAS by an act passed in the fifty-ninth year of the reign of his late Majesty King George the Third, intituled "An Act to amend the Laws for the Relief of the Poor," certain power is given to churchwardens and overseers of the poor to provide land for the employment of the poor to an extent not exceeding twenty acres : and whereas such limitation to twenty acres has been found inconvenient in many parishes : be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the churchwardens and overseers of the poor of any parish to hire and take on lease, for the employment of the poor of such parish, any suitable portion or portions of land within or near to such parish, to an extent not exceeding fifty acres.

Churchwardens, &c. may inclose part of waste lands for cultivation, with consent.

II. And be it further enacted, that, in order to extend the salutary and benevolent purposes of this act, it shall and may be lawful for the churchwardens and overseers of the poor of any parish to inclose from any waste or common land or ground lying in or near to such parish, with the consent in writing of the lord of the manor and the major part in value of the persons having right of common thereupon, signified under their hands and seals, any part or portion of such waste or common land not exceeding fifty acres, and to cultivate and improve the same for the use and benefit of such parish and the poor persons within the same, or to let

any part or parts of the same to any poor and industrious inhabitant or inhabitants of such parish, to be by him or them occupied and cultivated on his or their own account.

III. And be it further enacted, that the powers and authorities hereby given to churchwardens and overseers of the poor, shall extend to and may be exercised by the guardians of the poor of any parishes or places which are or may be incorporated or united under and by virtue of an act made and passed in the twenty-second year of the reign of his late Majesty King George the Third, intituled "An Act for the better Relief and Employment of the Poor," or under or by virtue of any local act or acts, and by the overseers of all townships, villages, and places having separate overseers, and maintaining their poor separately.

Power to hire land, &c. extended to guardians, &c.

22 G. 3, c. 83.

IV. And be it further enacted, that the clauses, powers, and authorities, regulations, provisions, and directions, in and by the said recited act given, contained, and made with respect to the providing of land for the employment of the poor, or to the cultivation, management, or disposition thereof, or to the poor persons employed thereon or renting any portion thereof, shall, so far as the same are applicable, be deemed and taken to extend to any land which shall be provided under this act, and to the poor persons employed thereon or renting any portion thereof respectively.

Provisions of recited act extended to lands hired &c. under this act.

V. Provided always, and be it further enacted, that no poor inhabitant of any parish or place, to whom any land shall be let which shall or may have been or shall be hired or taken or inclosed under or by virtue of the said recited act or this act, shall gain a settlement by reason of his renting and occupying or paying parochial taxes for such land, either alone or with any other land or tenement.

No settlement to be gained by lands hired.

1 & 2 WILL. 4, c. 59.

An Act to enable Churchwardens and Overseers to inclose land belonging to the Crown, for the Benefit of poor Persons residing in the Parish in which such Crown Land is situated.

[20th October 1831.]

WHEREAS by an act passed in the fifty-ninth year of the reign of his late Majesty King George the Third, intituled "An Act to amend the Laws for the Relief of the Poor," power is given to churchwardens and overseers of the poor to provide land for the employment of the poor: and whereas it is expedient to extend such power, so as to enable the churchwardens and overseers of the poor to acquire for such purposes portions of forest or waste lands belonging to the crown: be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the Lords

59 G. 3, c. 12.

Churchwardens, with consent of Treasury, may inclose crown lands not exceeding 50 acres.

spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the churchwardens and overseers of the poor of any parish to inclose from any forest or waste lands belonging to the crown lying in or near to such parish, with the consent in writing of the Lord High Treasurer or the Commissioners of his Majesty's treasury of the United Kingdom of Great Britain and Ireland for the time being, to be signified by some warrant under his or their hand or hands, any part or portion of such forest or waste lands not exceeding fifty acres, for the purpose of cultivating and improving the same for the use and benefit of such parish and the poor persons within the same.

Persons renting such land not to gain a settlement.

II. Provided always, and be it further enacted, that no poor inhabitant of any parish or place to whom any land shall be let which shall or may have been or shall be hired or taken or inclosed under or by virtue of the said recited act or this act, shall gain a settlement by reason of his renting and occupying or paying parochial taxes for such lands, either alone or with any other land or tenement.

1 & 2 WILL. 4, c. 60.

An Act for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes of England and Wales.

[20th October, 1831.]

Act may be adopted by any parish.

WHEREAS it is expedient to provide for the election of vestries, and of auditors of parish accounts, in certain parishes of England and Wales; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that this act and the several provisions thereof shall apply to and may be adopted, under and subject to the regulations herein contained, by any parish or parishes in England and Wales.

Manner of adopting it in parishes where inhabitants do not assemble in open vestry.

II. And be it further enacted, that when in any parish certain of the rate-payers thereof may desire that the said parish should come under the operation of this act, then and in that case any number of rate-payers amounting at least to one-fifth of the rate-payers of such parish, or any number of rate-payers amounting at least to fifty parishioners, may, on some day between the first day of December and the first day of March, deliver a requisition, by them signed, and describing their places of residence, to the churchwardens, or to one of them, serving for the said parish, requiring of the said churchwardens to ascertain, according to the manner

"To the Churchwardens of the parish of [insert here the name of the parish.] Form of requisition.

"Dated this _____ day of _____, in the year of our Lord _____"

"The churchwardens of this parish [*insert here the name of the parish*] having received a requisition duly signed according to the provisions of an act of the second year of the reign of William the Fourth, chapter , for the better regulation of vestries, the rate-payers of this parish of [*insert here the name of the parish*] are hereby required, all and each of them, on the day of next, and the two following days, to signify to the said churchwardens by a declaration, either printed or written, or partly printed or partly written, addressed and delivered to one of the churchwardens at [*insert here the place*], their votes for or against the adoption of the aforesaid act for the better regulation of vestries by the rate-payers of this parish.

"(Signed) Churchwardens."

"I, A. B. of _____ Street [or _____ Place or House] Form of
in this parish of _____ vote [for or against, as the case declaration.
may be,] the adoption of the act of the second year of the _____

reign of William the Fourth, chapter , for the better regulation of vestries by this parish."

Churchwardens to declare whether the votes are in favour of adopting this act.

V. And be it further enacted, that the said churchwardens shall carefully examine the votes to them delivered as aforesaid, and shall compare them with the last rate made for the relief of the poor of the said parish, and shall be empowered to call before them and examine any parish officer touching the said votes, or any rate-payer so giving his vote, and after a full and fair summing-up of the said votes shall, by public notice according to the form and manner hereinafter prescribed, declare whether or not two-thirds of the votes given have been given in favour of the adoption of the said act: provided always, that the whole number of persons voting shall be a clear majority of the rate-payers of the parish: provided also, that the adoption or non-adoption of this act shall be decided by such number of votes as aforesaid.

Rate-payers may inspect votes.

VI. Provided always, and be it further enacted, that any of the rate-payers of the aforesaid parish, not exceeding five together, may inspect, at or in the vestry-room, or in some convenient place within the same parish, and they are hereby empowered to inspect the votes so given for and against the adoption of this act, at all seasonable times within one month after such notice shall have been given; and the churchwardens of the said parish are hereby required carefully to preserve the said votes, and freely to permit and allow the examination thereof by the aforesaid rate-payers of the said parish at such seasonable times within the period aforesaid.

No person to vote unless he has been rated one year.

VII. Provided always, and be it enacted, that no person shall be deemed a rate-payer, or be entitled to vote, or do any other act, matter, or thing as such under the provisions of this act, unless he or she shall have been rated to the relief of the poor for the whole year immediately preceding his so voting or otherwise acting as such rate-payer, and shall have paid all the parochial rates, taxes, and assessments due from him or her at the time of so voting or acting, except such as have been made or become due within the six months immediately preceding such voting.

Notice of adoption of the act.

VIII. And be it further enacted, that notice of the adoption of this act by any parish shall be forthwith given by the churchwardens for the time being of the said parish in the London Gazette, and in one or more of the public newspapers circulating in the county in which the said parish may be situated, and by affixing a notice of the same to the principal doors of every church and chapel within the said parish; which notice shall be to the following effect:

"Parish of [*here insert name of parish.*]

"Notice is hereby given, that the above-named parish has

adopted the act of the second year of the reign of King William the Fourth, chapter , intituled An Act [*here insert the title of the act*]; and that the numbers of the majority and minority of votes given for and against the adoption of the said act are as follows; that is to say, votes for the adoption thereof, and votes against the adoption thereof.

"Dated this day of , in the year of our Lord

"(Signed)

Churchwardens."

IX. Provided always, and be it further enacted, that if the rate-payers shall determine, in the manner as aforesaid, against the adoption of this act, then and in that case it shall not be lawful to make another requisition for the same purposes within three years after such determination. No similar requisition to be made within three years.

X. And be it further enacted, that in any parish in which public notice of the adoption of this act in the manner as aforesaid shall be so made and given, this act shall immediately become the law for electing vestrymen and auditors of accounts of the said parish in manner hereinafter mentioned. This act to take effect in all parishes in which its adoption has been notified.

XI. And be it further enacted, that if any churchwarden, rate-collector, overseer, or other parish officer shall refuse to call meetings according to the provisions of this act, or shall refuse or neglect to make and give the declarations and notices directed to be made and given by this act, or to receive the vote of any rate-payer as aforesaid, or shall in any manner whatsoever alter, falsify, conceal, or suppress any vote or votes as aforesaid, such churchwarden, rate-collector, overseer, or other parish officer shall be deemed and taken to be guilty of a misdemeanor. Penalties on churchwardens and others refusing to call meetings, &c.

XII. And be it further enacted, that on some Sunday at least twenty-one days previously to the day of annual election of vestrymen, notice of election, pursuant to this act, signed by the churchwardens, shall be affixed to the principal doors of every church and chapel of the said parish, and at other usual places, in the following terms:

"Parish of [*here insert name of parish.*]

"The parishioners duly qualified according to the provisions of the act of the second year of the reign of King William the Fourth, intituled An Act [*here insert the title of the act*], are hereby required to meet at on the day of , conformably to the provisions of the said act, and then and there to consider of and elect fit and proper persons to be vestrymen and auditors of accounts of the parish of for the ensuing year; that is to say,

"
"

Members of the Vestry.
Auditors of Accounts."

XIII. And be it further enacted, that the churchwardens Rate-col-

lectors, &c. may be summoned to assist at the election.

may summon the rate-collectors to attend them on the said day of annual election, in order to assist them in ascertaining that the persons presenting themselves to vote are parishioners rated to the relief of the poor of the said parish, and duly qualified to vote at the said election.

Form of proceeding at annual elections.

XIV. And be it further enacted, that on the day of annual election for vestrymen and auditors in any parish adopting this act, each parishioner then rated and having been rated to the relief of the poor one year, desirous of voting, do meet at the place appointed for such election, then and there to nominate eight rate-payers of the said parish as fit and proper persons to be inspectors of votes, four of such eight to be nominated by the churchwardens, and the other four to be nominated by the meeting; and after such nomination the said parishioners shall elect such parishioners duly qualified as may be there proposed for the offices of vestrymen and auditors; and the chairman shall at such meeting declare the names of the parishioners who have been elected by a majority of votes at such meeting.

A ballot may be demanded.

XV. Provided always, and be it further enacted, that any five rate-payers may then and there, in writing or otherwise, demand a poll, which shall be taken by ballot, each rate-payer delivering to the aforesaid inspectors two folded papers, one of which papers shall contain the names of the persons for whom such parishioner may vote as fit and proper to be members of the vestry, and the other shall contain the names of the persons for whom such parishioner may vote as fit and proper to be auditors of accounts: provided always, that each rate-payer shall have one vote and no more for the members of the vestry, and one vote and no more for the auditors of accounts to be chosen in the said parish.

Mode of voting.

XVI. And be it further enacted, that the inspectors of votes shall deposit the said folded lists, without previously opening the same, in two separate sets of balloting glasses or boxes, one set for the vestry lists, and another for the auditors' lists; and that the said balloting glasses or boxes shall be closed at the time fixed for the termination of the voting, that is, at four of the clock of the afternoon of the last day of election.

Duty of inspectors.

XVII. And be it further enacted, that after the close of the said ballot the aforesaid inspectors shall proceed to examine the said votes, and if necessary shall continue the examination by adjournments from day to day, not exceeding four days, Sunday excepted, until they shall have decided upon the persons duly qualified according to the provisions of this act who may have been chosen to fill the aforesaid offices.

In case of equality of votes.

XVIII. And be it further enacted, that if an equality of votes should appear to the aforesaid inspectors to be given for any two or more persons to fill any or either of the said offices, in that case the inspectors shall decide by lot upon the person or persons so to be chosen.

XIX. And be it farther enacted, that if any person do forge or in any way falsify any name or writing in any paper or list purporting to contain the vote or votes of any parishioner as aforesaid so voting for vestrymen or auditors, or do by any contrivance attempt to obstruct or prevent the purposes of such mode of election, the persons so offending shall, upon information laid, and conviction before any two or more justices of the peace having jurisdiction in the parish so adopting this act, be liable to a penalty of not less than ten and not more than fifty pounds, and in default of payment thereof shall be imprisoned for a term not exceeding six nor less than three months; and any fine so levied shall be given, half to the informer who shall have informed against the person so offending, and the other half to the poor of the parish in which the said offence shall have been committed.

Penalty for forging or falsifying any voting list, or obstructing the election.

XX. And be it further enacted, that the aforesaid inspectors shall, immediately after they shall have decided upon whom the aforesaid elections have fallen, deliver to the churchwardens, or to one of them, serving for the parish so adopting this act, a list of the persons chosen by the parishioners to act as vestrymen and auditors of accounts; and the said list, or a copy thereof, shall be affixed to the doors of the churches and chapels or other places chosen for the purposes of public notice in the said parish.

Public notice to be given of vestrymen and auditors chosen by parishioners.

XXI. And be it further enacted, that if any inspector as aforesaid shall wilfully make or cause to be made an incorrect return of the said votes, every such offender shall, upon information laid by any person before two or more justices of the peace having jurisdiction in the said parish, and, upon conviction for such offence, be liable to a penalty of not less than twenty-five pounds, and not exceeding fifty pounds.

Penalty on inspector for making incorrect return.

XXII. And be it further enacted, that in all parishes adopting this act the meeting of parishioners for the election of the vestrymen and auditors of accounts by the parishioners shall take place in the month of May in every year: provided always, that when a ballot is demanded at such election the same shall commence on the following day, and continue for three successive days, commencing at eight of the clock in the forenoon, and closing at four of the clock in the afternoon on each day: provided also, that the day on which such elections shall commence shall in the first instance be appointed by the churchwardens of the parishes adopting this act, but in every subsequent year shall be appointed by the vestry: provided always, that when by reason of the populousness of any parish the said parish shall have been or shall be divided into districts for ecclesiastical or other purposes, then and in that case the said votes shall be taken, according to the aforesaid mode of election, in some convenient place, at the discretion of the churchwardens, in each of the several districts of the said parish.

Elections to be annual.

XXIII. And be it further enacted, that in all parishes Vestry to

consist of not less than twelve nor more than one hundred and twenty householders.

adopting this act the vestry appointed and elected as herein-before mentioned shall, when the said act shall come into full effect, consist of a certain number of resident householders; that is to say, twelve vestrymen for every parish in which the number of rated householders shall not exceed one thousand; and twelve other additional vestrymen, that is, twenty-four vestrymen, for every parish in which the rated householders shall exceed one thousand; and twelve other additional vestrymen, that is, thirty-six vestrymen, for every parish in which the number of rated householders shall exceed two thousand; and so on at the proportion of twelve additional vestrymen for every thousand rated householders: provided always, that in no case the number of vestrymen shall exceed one hundred and twenty: provided always, that in any parish wherein a greater number of vestrymen are given by special act of parliament than the proportions aforesaid will amount to, that then the number of vestrymen shall remain the same as given by such act of parliament: and provided always, that the rector, district rectors, vicar, perpetual curate, and churchwardens of the said parish shall constitute a part of the said vestry, and shall vote therein, in addition to the vestrymen as aforesaid elected under this act: provided always, that no more than one such rector or other such minister as aforesaid, from any one parish or ecclesiastical district as aforesaid, shall *ex officio* be a part of or vote at any vestry meeting.

Proportion of existing vestry to go out of office at each of three first elections under this act.

XXIV. And be it further enacted, that at the first election for vestrymen after the adoption of this act in any parish, one third of the then existing vestry, or the nearest number thereto, but not exceeding the same, shall retire from office, (such portion to be determined by lot,) and the parishioners duly qualified shall elect a number of vestrymen equal to one third of the vestry, to be chosen according to the provisions of this act; and that on the next ensuing annual election for vestrymen, one half, or as nearly as may be one half, of the remaining part of the first aforesaid vestry shall retire from office, (such portion to be determined by lot,) and the parishioners duly qualified shall again elect a number of vestrymen equal to one third of the vestry, to be chosen according to the provisions of this act; and that on the next, that is to say, the third annual election for vestrymen, the last remaining portion of the vestry as aforesaid, shall retire from office, and the parishioners duly qualified shall elect vestrymen in like manner and number as at the two preceding elections, so as to fill up the vestry to the exact number of vestrymen prescribed by this act.

Vestrymen to quit office after three years, and one third of

XXV. And be it further enacted, that at every subsequent annual election, those vestrymen who have been three years in office shall go out of office, and the parishioners shall elect, according to the provisions of this act, other

vestrymen, to the number of one third of the total number of which such vestry shall consist, as also fill up any vacancies which may have occurred from death or other causes : provided always, that any or all of the vestrymen so going out by rotation may be immediately eligible for re-election.

the whole number to be elected annually.

XXVI. And be it further enacted, that the vestry elected under this act in any parish, not within the metropolitan police district or the city of London, shall consist of resident householders rated or assessed to the relief of the poor upon a rental of not less than ten pounds ; and no person shall be capable of acting as one of the said vestry, unless he shall be the occupier of a house, lands, tenements, or hereditaments rated or assessed upon the aforementioned amount of rental, within the parish for which he is to serve : provided always, that if the parish adopting this act should be within the metropolitan police district or the city of London, or if the resident householders therein should amount to more than three thousand, then and in that case the vestry elected under this act shall consist of resident householders, rated or assessed to the relief of the poor of such parish upon a rental of not less than forty pounds per annum.

Qualifications of vestrymen.

XXVII. And be it further enacted, that from and after the adoption of this act in any parish, the vestry shall exercise the powers and privileges held by any vestry now existing in such parish, and the authority of such vestry may be pleaded before any justice or justices of the peace, or in any court of law, in regard to all parochial property, or monies due, or holdings or contracts, or other documents of the like nature, formerly under the control or in the keeping of the said vestry of the said parish ; and all parish officers or boards shall account to them in like manner as they have accounted to the said vestry : provided always, that nothing in this act shall be deemed, construed, or taken to repeal, alter, or invalidate any local act for the government of any parish by vestries, or for the management of the poor by any board of directors and guardians, or for the due provision for divine worship within the parish, and the maintenance of the clergy officiating therein, otherwise than is by this act expressly enacted regarding the election of vestrymen and auditors of accounts.

Vestries appointed after the adoption of this act to exercise the authority of former vestries.

Not to affect local acts regarding vestries, divine worship, &c. except as herein expressed.

XXVIII. And be it further enacted, that all powers or duties to be performed by the vestry of any parish adopting this act, may be exercised and performed respectively by the major part of such vestry assembled at any meeting, there not being less than five vestrymen present at a meeting of a vestry which consists of twelve or more elected vestrymen and not exceeding twenty-three, and not being less than seven vestrymen present at a meeting of a vestry which consists of twenty-four or more elected vestrymen and not exceeding thirty-five, and not being less than nine vestrymen pre-

The acts of a quorum of the vestry at any meeting to be considered as the acts of the vestry.

sent at a meeting of a vestry which consists of thirty-six elected vestrymen or upwards ; and all orders and directions given, and all contracts and engagements entered into by the vestrymen present at any such meeting, or the major part of them then assembled, shall be as valid and effectual as if the same were done by all the said vestrymen for the time being, and shall be binding and conclusive on all such vestrymen, provided that the same is confirmed at the next subsequent meeting of the vestry.

Meetings not to be held in the church.

XXIX. And be it further enacted, that in any case in which the vestry room of any parish in any city or town, shall not be sufficiently large and commodious for any vestry meeting, such meeting shall be held elsewhere within the said parish or place, but not in the church or chapel thereof.

Meeting to elect a chairman.

XXX. And be it further enacted, that at every meeting of any vestry, in the absence of the persons authorized by law or custom to take the chair, the members present shall elect a chairman for the occasion before proceeding to other business.

Proceedings to be entered in books to be open to inspection.

XXXI. And be it further enacted, that the vestry of every parish adopting this act shall cause to be provided and kept a proper book or books, and proper entries to be made therein of the names of the several vestrymen who shall attend the respective meetings of the vestry, and of all orders and proceedings made or taken at such meetings ; and all such books shall at all reasonable times be open to the inspection of the said vestrymen, and of any person rated or assessed to the relief of the poor of the said parish, and of any creditor on the rates of the said parish, without fee or reward ; and the said vestrymen, persons, and creditors, or any of them, shall and may take copies of or extracts from such books respectively, without paying any thing for the same ; and in case the clerk to the said vestry, or other person having the care of such books, shall refuse to permit or shall not permit the said vestrymen or such persons or creditors to inspect the same, or to take such copies or extracts as aforesaid, such clerk or other person shall forfeit and pay any sum of money not exceeding ten pounds for every such offence.

Account books to be kept, and be open to inspection.

XXXII. And be it further enacted, that the said vestry shall and they are hereby required to cause a book or books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and disbursed for or on account of parochial purposes, and of the several articles, matters, and things for which such sums of money shall have been so received and disbursed ; which book or books shall at all seasonable times be open to the inspection of the said vestrymen, and of any person or persons rated to the relief of the poor of the said parish, and of any creditor

or creditors on the same, without fee or reward ; and the said vestrymen and persons and creditors as aforesaid, or any of them, shall and may take copies of or extracts from the said book or books, or any part or parts thereof, without paying any thing for the same ; and in case the clerk to the said vestrymen, or other person with whom such books shall remain, shall on any reasonable demand refuse to permit or shall not permit the said vestrymen, persons, or creditors, or any of them, to inspect the said book or books, or to take such copies or extracts as aforesaid, such clerk or other person as aforesaid shall forfeit and pay any sum not exceeding ten pounds for every such offence.

XXXIII. And be it further enacted, that in any and every parish adopting this act the parishioners duly qualified to vote for vestrymen as aforesaid shall elect five rate-payers of the said parish who shall have signified in writing their assent to serve to be auditors of accounts, which auditors shall be so

Auditors to be chosen annually.

elected on the first day on which the vestrymen shall be chosen after such parish shall have adopted this act, and according to the same forms of voting as are hereinbefore prescribed for the election of the said vestry : provided always, that no person shall be eligible to fill the said office of auditor of accounts who shall not be qualified according to the provisions of this act, as hereinbefore stated, to fill the office of vestryman for the said parish ; and provided always, that no person shall be eligible to fill the said office of auditor of accounts who shall be one of the vestry for the said parish ; and if any person on the day of annual election shall be chosen to be both a member of the vestry and an auditor of accounts, the said vestry at their first meeting after such election shall declare the said person incapable of acting as vestryman : provided also, that no person shall be eligible to fill the said office of auditor of accounts who shall be interested, either directly or indirectly, in any contract, office, business, or employ, or in providing or supplying any materials or articles for the parish for which he is to serve ; and any person who shall be discovered, after his election, to be so interested, shall cease to be an auditor.

Qualification.

Further qualifications of auditors.

Disqualification.

XXXIV. And be it further enacted, that the aforesaid auditors of accounts shall meet twice at least in each year, at the board room of the vestry, and (a majority of the said auditors being present at such meetings) shall proceed to audit the accounts of the said vestry for the preceding half year, in presence of the vestry clerk ; and the said vestry are hereby required, by their said clerk, to produce and lay before the said auditors at every such meeting a true and just statement or account in writing, accompanied with proper vouchers, of all sums of money which may have come to the hands of the said vestry or of their treasurer, and also of all monies paid, laid out, or expended by them, or by any

Mode of audit.

churchwardens, overseers, surveyors, or other persons by them employed, and responsible to the said vestry, since the last period up to which the accounts of the said vestry were audited; and in all parishes in which other boards shall have control over any part of the parochial expenditure, the said auditors shall have the same power of examining the accounts and officers thereof as of examining the accounts and officers of the vestry, and shall audit the accounts of the said boards in the same manner as they audit the accounts of the said vestries.

Auditors may call for persons and books.

XXXV. And be it further enacted, that the said auditors shall have power to summon and call before them, by a writing for that purpose signed by any one of them, or by the clerk of the vestry of any parish adopting this act, any parish officer or other person or persons whatsoever concerned in the said accounts, and to require of him or her or them to attend the said auditors at any meeting or adjourned meeting, and to bring with them all books of accounts, writings, papers, and documents required, which may concern the said accounts, and to give such information as to the particulars of such accounts as he, she, or they shall be enabled to give; and any parish officer or other person refusing so to attend, or otherwise wilfully obstructing the purposes of such inquiry, shall be deemed guilty of a misdemeanor.

Accounts to be signed by auditors.

XXXVI. And be it further enacted, that the said accounts, when audited and approved by the said auditors, or by the major part of them, shall be by them signed in the presence of the clerk of the aforesaid vestry of any parish adopting this act, and the said clerk of the vestry shall also affix his signature to the same; and it shall be lawful for the aforesaid auditors to subjoin such remarks thereto as to them shall seem meet.

Accounts after audit to be open to inspection.

XXXVII. And be it further enacted, that the said accounts, when so audited and signed, shall remain at the office of the clerk of the said vestry; and that the said accounts shall after such audit be open and accessible for the examination, at all seasonable times, of any person rated to the relief of the poor of the said parish, and of any creditor on the rates thereof: provided always, that nothing in this act contained relative to the appointment and duty of auditors shall debar the parishioners from any remedy by them before possessed by the law of the land.

Abstracts of accounts to be published fourteen days after being audited.

XXXVIII. And be it further enacted, that an abstract of the accounts of all monies received and disbursed by the vestry in any parish adopting this act shall twice in every year, within fourteen days after the same shall have been audited in manner in this act mentioned, be made out by the said vestry, either in writing or in print, and a copy of such abstract shall be delivered to all persons applying for the

same, and rated or assessed to the relief of the poor of the said parish, such person paying one shilling for the same; and which copies the said clerk is hereby required to cause to be published either in writing or print, and distributed accordingly.

XXXIX. And be it further enacted, that in any parish adopting this act the vestry shall cause to be made out, once at least in every year, a list of the several freehold, copyhold, and leasehold estates, and of all charitable foundations and bequests, if any, belonging to the said parish and under the control of the said vestry, the said list to contain a true and detailed account of the place where such estate or charitable foundation may be situate, or in what mode and security such bequest may be invested, specifying also the yearly rental of each, and the particular appropriation thereof, together with the names of the persons partaking of their benefit (except where such benefit shall be allotted to the poor of the parish generally), and to what amount in each case, and also stating the name and description of the persons in whom such estates are vested, and the names and description of the trustees for each charity: provided always, that the aforesaid list shall be open for the inspection of the rate-payers, at the office of the vestry clerk, at the same time with the accounts when audited according to the provisions of this act.

Vestry to make out and publish yearly a list of estates, charities, and bequests, &c. with the application thereof.

XL. Provided always, and be it further enacted, that this act or any thing therein contained shall not extend or be construed to extend to invalidate or avoid any ecclesiastical law or constitution of the church of England, save and except so far as concerns the appointment of vestries, or to destroy any of the rights or powers belonging to the archbishops, bishops, deans, or other of the clergy of the said established church, either as individuals or as corporate bodies, or in anywise to abridge or control their ordinary jurisdiction over or relating to any matter or thing respecting the ministers thereof.

Saving of ecclesiastical jurisdiction.

XLI. And in order to remove doubts as to the meaning of certain words in this act, be it enacted, that the word "justice" shall be deemed to mean justice of the peace; and that the words "person" and "party" shall be deemed to include any number of persons or parties; and that the words "justices of the peace of the county or city" shall be deemed to include justices of the peace of any division of a county, liberty, division of a liberty, precinct, county of a city, county of a town, cinque port, or town corporate; and that the word "parish" shall be deemed to include any liberty, precinct, township, hamlet, tithing, vill, extra-parochial place, or any place maintaining its own poor; and that the word "rate-payers" shall include "ley-payers;" and that the meaning of the several words in this act shall

Meaning of terms used in this act.

not be restricted, although the same may be subsequently referred to in the singular number or masculine gender only.

As to affixing notices.

XLII. And be it further enacted, that the words "church or chapel," inasmuch as regards the affixing of notices as by this act directed, shall be deemed to include all places of religious worship according to the forms of the established church; and that in any parish or place not having a parish church or chapel as aforesaid the said notices shall be affixed to some public building within the limits of the same parish or place.

Act not to extend to parishes where not more than eight hundred rate-payers, except in cities or towns.

XLIII. Provided always, and be it further enacted, that nothing in this act contained shall extend to any parish not being within or being part of any city or town, in which parish there shall not be a greater number than eight hundred persons rated as householders, and having paid the rates for the relief of the poor within the year preceding that in which the provisions of this act may be desired to be put in execution within such parish.

Public act.

XLIV. And be it further enacted, that this act shall be deemed and taken to be a public act, and shall be judicially taken notice of as such by all judges, justices, and others, without the same being specially pleaded.

2 WILL. 4, c. 42.

An Act to authorize (in Parishes inclosed under any Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers. [1st June, 1832.]

WHEREAS in parishes inclosed under acts of parliament there are in many cases allotments made for the benefit of the poor, chiefly with a view to fuel, which are now comparatively useless and unproductive: And whereas it would tend much to the welfare and happiness of the poor if those allotments could be let at a fair rent, and in small portions, to industrious cottagers of good character, while the distribution of fuel might be augmented by appropriating the said rents to the purchase of an additional quantity; be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that it shall and may be lawful for the trustees of the said allotments, together with the churchwardens and overseers of the poor in parish vestry assembled, and they are hereby required to let portions of any such allotment, not less than one-fourth of a statute acre, and not exceeding one such acre, to any one individual, according to their discretion, as a yearly occupation from Michaelmas to Michaelmas, (and at such rent as land of the same quality is usually let

Trustees and parish officers in vestry assembled may let portions of poor allotments to industrious cottagers.

for in the said parish,) to such industrious cottagers of good character, being day labourers or journeymen legally settled in the said parish, and dwelling within or near its bounds, as shall apply for the same in the manner herein-after mentioned.

II. Provided also, and be it further enacted, that the person hiring the same shall be held bound to cultivate it in such a manner as shall preserve the land in a due state of fertility.

III. And be it further enacted, that for the purpose of carrying this act into effect, a vestry shall be held in the first week in September in every year, of which ten days notice shall be given in the usual manner, at which vestry the trustees of the said allotments may attend and vote, if they shall so think fit, and at which vestry, or some adjournment thereof, any industrious cottager of good character, who may desire to rent such portion of land as aforesaid, may apply for the same; and the said vestry are hereby required, taking into consideration the character and circumstances of the applicant, to determine the case, either by rejecting his application, or by making an order that he shall be permitted to occupy such portion of the poor allotment, being not less than one fourth of a statute acre, nor exceeding one such acre, as the said vestry in their discretion shall determine, and upon the terms hereinbefore enacted; and the said order of vestry shall be held to all intents and purposes to be a sufficient title and authority to such applicant to enter into the occupation of such land at the time therein appointed.

IV. Provided always, and be it further enacted, that the rent shall be reserved and payable to the churchwardens and overseers of the poor, on behalf of the vestry, in one gross sum for the whole year, and shall be paid to one or either of them at the end of the year's occupation.

V. And be it further enacted, that if the rent of such portion of land shall at any time be four weeks in arrear, or if at the end of any one year of occupation it shall be the opinion of the vestry that the land has not been duly cultivated, so as to fulfil the useful and benevolent purposes of this act, then and in such case the churchwardens and overseers of the poor, or any or either of them, with the consent of the vestry, may serve a notice to quit upon the occupier of such portion of land; whereupon the said occupier shall deliver up possession of the same to the churchwardens and overseers aforesaid, or any or either of them, within one week after the said notice has been duly served upon him.

VI. And be it further enacted, that if any person to whom such portion of land as aforesaid shall have been let,

illegally held
over, by sum-
mary process.

for his or her own occupation, shall refuse to quit and to deliver up possession thereof, when thereto required according to the terms of this act, or if any other person or persons shall unlawfully enter upon or take or hold possession of any such land, it shall be lawful for the churchwardens and overseers of the poor, or any or either of them, to exhibit a complaint against the person so in possession of such land before two of his majesty's justices of the peace, who are hereby authorized and required to issue a summons, under their hands and seals, to the person against whom such complaint shall be made, to appear before them at a time and place appointed therein; and such justices are hereby required and empowered upon the appearance of the defendant before them, or upon proof on oath that such summons has been duly served upon him, or left at his usual place of residence, or if there should have been any difficulty in finding such usual place of residence, then upon proof on oath of such difficulty, and that such summons has been affixed on the door of the parish church of the said parish in which such land is situated, and in any extra-parochial place or some public building or other conspicuous place therein, to proceed to hear and determine the matter of such complaint, and if they shall find and adjudge the same to be true, then by warrant under their hands and seals, to cause possession of the land in question to be delivered to the churchwardens and overseers of the poor, or to some of them.

Arrears of
rent how to
be recovered.

VII. And be it further enacted, that all arrears of rent for the said portions of land shall be recoverable by the churchwardens and overseers of the poor, or any of them, on behalf of the vestry, by application to two of his majesty's justices of the peace, in petty sessions assembled, who shall thereupon summon the party complained against, and after hearing what he has to allege, should they find any rent to be due, they are required to issue a warrant under their hands and seals, to levy the same upon the goods and chattels of the person from whom the said rent shall be due and owing.

Application
of rent.

VIII. And be it further enacted, that the rent of the said portions of land shall be applied by the vestry to the purchase of fuel, to be distributed in the winter season among the poor parishioners legally settled and resident in or near the said parish.

Power to ex-
change, for
greater con-
venience of
cottagers.

IX. And be it further enacted, that if any of the said allotments shall be found to lie at an inconvenient distance from the residences of the cottagers, it shall be lawful for the vestry, by an order made to that effect, to let such allotment, or any part thereof, for the best rent that can be procured for the same, and to hire in lieu thereof, for the purposes of this act, land of equal value more favourably situated.

X. And be it further enacted, that no habitations shall be erected on the portions of land demised under this act, either at the expense of the parish or by the individuals renting the same. No habitations to be erected.

XI. And whereas by two acts of the first and second years of the reign of his present Majesty, intituled "An Act to amend an Act of the fifty-ninth year of his Majesty King George the Third, for the Relief and Employment of the Poor," and the other intituled "An Act to enable the Churchwardens and Overseers to inclose Lands belonging to the Crown, for the Benefit of poor Persons residing in the Parish in which such Crown Land is situated," power is given, under certain restrictions, to inclose any quantity not exceeding fifty acres of waste land and crown land respectively, for the use and benefit of the poor; be it further enacted, that in any parish where such inclosure shall exist or shall hereafter take place, or where land shall in any other manner be found appropriated for the general benefit of the poor of any parish, then and in such cases the powers and provisions of this act shall be held to apply, in so far as the same may be found applicable. Extending powers and provisions of this act to 1 & 2 W. 4. c. 42, and c. 50.

3 & 4 WILL. 4, c. 30.

An Act to exempt from Poor and Church Rates all Churches, Chapels, and other Places of Religious Worship.

[24th July, 1833.]

WHEREAS it is expedient that churches, chapels, and other places exclusively appropriated to public religious worship, should be exempt from the payment of poor and church rates: Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of October, one thousand eight hundred and thirty-three, no person or persons shall be rated, or shall be liable to be rated or to pay to any church or poor rates or cesses, for or in respect of any churches, district churches, chapels, meeting houses, or premises, or such part thereof as shall be exclusively appropriated to public religious worship, and which (other than churches, district churches, and episcopal chapels of the established church,) shall be duly certified for the performance of such religious worship, according to the provision of any act or acts now in force: Provided always, that no person or persons shall be hereby exempted from any such rates or cesses, for or in respect of any parts of such churches, district churches, chapels, meeting houses, or other premises which are not so exclusively appropriated, and from which parts not so exclusively appropriated such No persons liable to be rated for places exclusively appropriated to public religious worship.
Provido respecting places not so exclusively appropriated.

person or persons shall receive any rent or rents, or shall derive profit or advantage.

Persons not liable to rates because part of premises may be used for schools.

II. Provided always, and be it enacted, that no person or persons shall be liable to any such rates or cesses because the said churches, district churches, chapels, meeting houses, or other premises, or any vestry rooms belonging thereto, or any part thereof, may be used for Sunday or infant schools, or for the charitable education of the poor.

3 & 4 WILL. 4, c. 40.

An Act to repeal certain Acts relating to the Removal of poor Persons born in Scotland and Ireland, and chargeable to Parishes in England, and to make other Provisions in lieu thereof, until the first day of May, one thousand eight hundred and thirty-six, and to the end of the then next Session of Parliament.

[14th August, 1833.]

So much of 17 G. 2, c. 5, 50 G. 3, c. 12, & 5 G. 4, c. 83, as relates to the removal of poor persons born in Scotland and Ireland, repealed.

WHEREAS it is expedient to amend the laws relative to the removal of poor persons born in Scotland and Ireland, the isles of Man and Scilly, and chargeable to parishes in England, and to make other provisions in lieu thereof: be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the first day of January, one thousand eight hundred and thirty-four, so much of an act passed in the seventeenth year of the reign of King George the Second, intituled "An act to amend and make more effectual the Laws relating to Rogues and Vagabonds, and other idle and disorderly Persons, and to Houses of Correction, as relates to passing Vagrants to Scotland and Ireland, and the Isles of Man and Scilly;" and also so much of an act passed in the fifty-ninth year of the reign of King George the Third, intituled "An Act to amend the Laws for the Relief of the Poor, as relates to the Removal of poor Persons born in Scotland and Ireland who have become chargeable to Parishes in England;" and also so much of an act passed in the fifth year of the reign of his late majesty King George the Fourth, intituled "An Act for the Punishment of idle and disorderly Persons, and Rogues and Vagabonds, in that part of Great Britain called England, as relates to the Removal of poor Persons born in Scotland and Ireland, and being chargeable to Parishes in England," shall be, and the same are hereby repealed.

* Justices at sessions may order remov.

II. And be it further enacted, That from and after the said first day of January, one thousand eight hundred and

thirty-four, it shall be lawful for two justices of the peace, and they are hereby authorized and required, upon the complaint of the churchwardens and overseers of the poor of any parish, township, or other place maintaining its own poor, that any person born in Scotland or Ireland, or in the Isle of Man or Scilly, hath become chargeable to such parish, township, or other place maintaining its own poor, by himself or herself, or his or her family, to cause such person to be brought before them, and to examine such person, and any other witness or witnesses on oath touching the place of the birth, or last legal settlement of every such person, and to inquire whether he or she, or any of his or her children, hath or have gained any settlement in that part of the united kingdom called England; and if it shall be found by such justices that the person so brought before them was born in either Scotland or Ireland, or the Isle of Man or Scilly, and hath not gained any settlement in England, and that he or she hath actually become chargeable to the complaining parish, township, or other place maintaining its own poor, by himself or herself, or his or her family, then such justices shall and they are hereby empowered, by an order of removal under their hands and seals, in the form in the schedule hereunto annexed, to cause such poor person, his wife, and such of his or her children so chargeable, as shall not have gained a settlement in England, to be removed, by sea or land, in such manner as may have been directed by the justices at quarter sessions assembled in and for the county, city, borough, town corporate, division, or liberty in which the said parish, township, or other place maintaining its own poor may be situate, by and at the charge and expense of the complaining parish, to Scotland or Ireland, or the Isle of Man or Scilly respectively, according as such poor person, or his or her family, shall belong to Scotland, Ireland, or the Isle of Man or Scilly, the charge and expense whereof shall be repaid, in manner hereinafter mentioned, to such complaining parish, township, or other place maintaining its own poor, out of the county rate raised and levied in the county, city, borough, town corporate, division, or liberty in which such parish shall be situate.

als, by sea or land, of chargeable poor born in Scotland or Ireland, &c. at expense of complaining parish.

Expense to be repaid by county, &c. in which complaining parish is situate.

III. And be it further enacted, that the justices of the peace of every county, riding, city, borough, town corporate, division, or liberty, are hereby authorized and required, at the general or quarter sessions of the peace holden in and for such county, riding, city, borough, town corporate, division, or liberty next after the passing of this act, or some adjournment thereof, and from time to time thereafter, at their general or quarter sessions, or adjournment thereof, to direct in what manner, and whether by sea or land, or part of the way by land and part by sea, such poor person, his wife and child or children, removable under the

Justices at sessions to direct how parties shall be removed.

provisions of this act by the churchwardens and overseers of any parish, township, or place maintaining its own poor within such county, riding, city, borough, town corporate, division, or liberty, shall be removed.

Justices at quarter sessions to make rules, &c. for carrying this act into execution.

IV. And be it further enacted, that the justices of the peace of every county, riding, city, borough, town corporate, division, or liberty, shall and may and they are hereby required, at the general or quarter sessions of the peace to be holden in and for such county, riding, city, borough, town corporate, division, or liberty next after the passing of this act, or some adjournment thereof, and from time to time thereafter, at their general or quarter sessions, or adjournment thereof, to make such orders, rules, regulations, and directions for the more effectually carrying the provisions of this act into execution as they in their discretion shall think proper; which orders, rules, regulations, and directions shall from time to time be observed and submitted to by all justices of the peace, overseers, churchwardens, constables, and other persons concerned in or charged with the removal of such poor person, his wife, child or children as aforesaid, within such county, riding, city, borough, town corporate, division, or liberty.

Churchwardens, &c. to be repaid expenses out of county rate.

V. And be it further enacted, that in case the churchwardens and overseers of the parish, township, or place maintaining its own poor, on whose complaint such order of removal shall be made as aforesaid, shall bring or send to the clerk of the peace or town clerk of the county, riding, city, borough, town corporate, division, or liberty in which such parish, township, or place maintaining its own poor shall be situate, such order of removal, accompanied with an affidavit sworn before some justice of the peace of such county, riding, city, borough, town corporate, division, or liberty, (who is hereby authorized to administer the same,) of the amount of the expenses *bonâ fide* incurred and paid by such churchwardens and overseers on account of the removal of such poor person, his wife, child or children as aforesaid, and also a statement of the several items comprised in such amount, such clerk of the peace or town clerk is hereby required to lay the same before the justices of the peace assembled at the quarter sessions, or adjournment thereof, held in and for such county, riding, city, borough, town corporate, division, or liberty, next after he shall have received the same; and the said justices so assembled as aforesaid are hereby authorized and required to order the amount thereof to be paid out of the county rate raised and levied in such county, riding, city, borough, town corporate, division, or liberty; provided that on the removal of such poor person, his wife, child or children as aforesaid, the orders, rules, regulations, and directions of the said justices,

made as hereinbefore mentioned, have been duly complied with.

VI. And be it further enacted, that all such charges and expenses as aforesaid, which shall be properly and reasonably made for the purposes aforesaid out of any such parish rates within the city of London, shall by such parish or extra-parochial place maintaining its own poor, or parish next adjoining to such extra-parochial place, be charged against the said city of London, and being audited and allowed by the justices of the said city of London assembled at any quarter sessions or adjourned sessions of the peace in or for the said city of London, shall thereupon by the chamberlain of the said city of London be repaid to the overseers or guardians of the poor of the said parish or extra-parochial place maintaining its own poor, or parish next adjoining to such extra-parochial place, for the benefit thereof; for which purpose a rate or assessment shall be made by the order and under the authority of such justices of the said city of London, in the several wards of the said city of London, at such time or times as such justices shall think fit, in the same manner, and with the same powers and authorities as the rates for the relief of the poor are made in the said parishes and extra-parochial places; and the powers and authorities contained in the several acts of parliament for making and collecting rates for the relief of the poor shall be and the same are hereby extended to this act.

How expenses to be defrayed of removing poor persons within London.

VII. And be it further enacted, that in any city, borough, town corporate, division, or liberty which does not contribute to the county rate, or in which no county rate shall be made, raised, or levied, the charges and expenses paid for the purposes aforesaid by the parish or parishes within such city, borough, town corporate, division, or liberty as aforesaid, shall be allowed by the justices of the peace for such city, borough, town corporate, division, or liberty as aforesaid, at any quarter sessions or adjourned sessions of the peace, and paid by the order of such justices to the churchwardens or overseers of the poor of the parish or parishes within such city, borough, town corporate, division, or liberty, for which purposes a general rate or assessment shall be made by the order and under the authority of such justices in the parish or parishes, if more than one, within such city, borough, town corporate, division, or liberty, at such time or times as such justices shall think fit, in the same manner, and with the same powers and authorities as the rates for the relief of the poor are made in the parish or parishes of such city, borough, town corporate, division, or liberty; and the powers and authorities contained in the several acts of parliament for making and collecting rates for the relief of the poor, shall be and the same

How expenses to be defrayed when parish is situate in any city, &c. not contributing to county rate.

are hereby extended to this act for the making, raising, levying, and collecting the said rate.

Term of Act. VIII. And be it further enacted, that this act shall continue in force until the first day of May one thousand eight hundred and thirty-six, and to the end of the then next session of parliament.

SCHEDULE.

Form of Order of Removal.

To the constable of the parish of
in the county of
} WHEREAS complaint hath been made by the
to wit. } churchwardens and overseers of the poor of the
[parish, township, *et cetera*, as the case may be] in the said
county of unto us, whose names are here-
unto set and seals affixed, two of his majesty's justices of the
peace acting in and for the said county (one being of the
quorum), that a person born in Scotland
[or Ireland, or the Isle of Man or Scilly,] hath become and
is now actually chargeable to the said [parish, township, *et*
cetera, as the case may be]: and whereas upon examination
of the said taken upon oath be-
fore us (which examination is hereto annexed) it doth ap-
pear and we do adjudge, that the said
hath not gained a settlement in England, and that he hath a
wife named and children
videlicet neither of which children
have gained any settlement in England :

These are therefore to require you the said constable
of aforesaid, in the county of
aforesaid, to convey the said his wife and
family aforesaid, to Scotland [or Ireland, or the Isle of Man
or Scilly], in the manner directed by the justices of the said
county of in pursuance of the provisions
of a certain act made and passed in the fourth year of the
reign of King William the Fourth, intituled [*here set out the*
title of this act.]

Given under our hands and seals this
day of in the year of our Lord one thou-
sand eight hundred and thirty-

[*Here copy the regulations, et cetera, of the justices at*
sessions, as applicable to the removal of the party.]

Form of Examination.

} THE examination of
to wit. } taken on oath before us,
Two of His Majesty's justices of the peace acting in and for

the [county, riding, city, borough, town corporate, division, or liberty] aforesaid, this day of in the year of our Lord one thousand eight hundred and thirty- who on oath saith, that according to the best of [his or her] knowledge and belief [he or she] was born in in that part of the united kingdom called Scotland, [or Ireland, or in the Isle of Man or Scilly,] which [he or she] left about years ago, and hath done no act whereby to gain a settlement in that part of the united kingdom called England, and hath actually become and is now chargeable to the [parish] of in the [county, township, et cetera, as the same may be] of [and that he hath a wife named and children, neither of which children have gained a settlement in England].
 Sworn the day and year first }
 above written, before us, }

 3 & 4 WILL. 4, c. 63.

An Act to render valid Indentures of Apprenticeship allowed only by Two Justices acting for the County in which the Parish from which such Apprentices shall be bound, and for the County in which the Parish into which such Apprentices shall be bound, shall be situated; and also for remedying defective Executions of Indentures by Corporations.

[28th August, 1833.]

WHEREAS by an act passed in the fifty-sixth year of the reign of his late Majesty King George the Third, intituled "An Act to regulate the binding of Parish Apprentices," it 56 G. 3, c. 120. is amongst other things enacted, that in all cases where the residence or establishment of business of the person or persons to whom any child shall be bound shall be within a different county or jurisdiction of the peace from that within which the place by the officers whereof such child shall be bound shall be situated, and in all other cases where the justices of the peace for the district or place within which the place by the officers whereof such child shall be bound shall be situated, and who shall sign the allowance of the indenture by which such child shall be bound, shall not have jurisdiction, every indenture by which such child shall be bound, at any time after the first day of October therein mentioned, shall be allowed, as well by two justices of the peace for the county or district within which the place by the officers of which such child shall be bound shall be situated, as by two justices of the peace for the county or district within which the place shall be situated wherein

such child shall be intended to serve; provided always, that no indenture shall be allowed by any justice of the peace for the county into which such child shall be bound, who shall be engaged in the same business, employment, or manufacture in which the person to whom such child shall be bound is engaged; and notice shall be given to the overseers of the poor of the parish or place in which such child shall be intended to serve an apprenticeship, before any justice of the peace for the county or district within such parish or place shall be, shall allow such indenture, and such notice shall be proved before such justice shall sign such indenture, unless one of such overseers shall attend such justice and admit such notice: And whereas, in many instances, petty sessions are held weekly in market towns near adjoining the borders of the county in which such market towns are situate, and the justices holding such petty sessions act as well for the county adjoining as for the county where such petty sessions are held, and transact the business for large districts in both counties at such weekly petty sessions on market days, to the great advantage, convenience, and saving of expense to the several parishes and villages whose officers have to attend such petty sessions: And whereas since the passing of the said act of the fifty-sixth year of the reign of his late Majesty King George the Third, numerous indentures of apprenticeship have been allowed by two justices attending and acting at such petty sessions for the county within which the place by the officers whereof such child shall be bound is situated, and by the same two justices acting also as justices for the county within which the place is situated wherein such child shall be intended to serve, such justices conceiving that, as they were acting justices for both counties, they were entitled to allow such indenture accordingly: And whereas doubts have lately arisen whether the allowances of such two justices, although they act as justices for both counties, are valid and effectual, or whether it is not necessary that such indenture should be allowed by four justices, two acting for one county and two for the other only; and the settlement of the numerous persons who have already served and are now serving under indentures allowed by two justices acting for both counties in manner aforesaid will be set aside, to their manifest injury: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act all indentures for the binding of parish apprentices which have been previous to the passing of this act allowed, and shall hereafter be allowed, by two justices of the peace acting as well for the county or district within which the place by the officers of which such child shall be bound shall be situated, as for

Indentures
allowed by
justices act-
ing for two
counties to be
as valid as if
granted by

the county or district within which the place shall be situated wherein such child shall be intended to serve, shall be deemed and taken to be as good, valid, and effectual, to all intents and purposes, as if the same had been allowed by two justices of the peace acting only for the county or district in which the place from which such child shall be bound is situated, and also by two other justices of the peace acting only for the county or district within which the place shall be situated in which such child shall be intended to serve.

Justices acting for different counties.

II. And whereas, by divers acts of parliament heretofore made and passed, the directors, guardians, acting guardians, or other officers of incorporated hundreds, parishes, and other districts are by the said acts of parliament respectively authorized to bind poor children apprentices in the manner by the said acts of parliament respectively prescribed and directed: And whereas the said directors, guardians, acting guardians, and other officers have bound out poor children apprentices by indentures, to which the said directors, guardians, acting guardians, and other officers have been, by their descriptions as directors, guardians, acting guardians, or other officers of such incorporated hundred, parishes, and other districts respectively, made parties of the one part, or to which they have, by their said descriptions respectively, been binding parties, and which indentures have been executed by the said directors, guardians, acting guardians, and other officers, by affixing thereto the seal of the corporation of which they are directors, guardians, acting guardians, and officers respectively, and in no other manner by them: And whereas doubts have been entertained as to the effect and validity of indentures so executed; and it is desirable to remove such doubts; be it declared and enacted, that from and after the passing of this act in all cases where any indentures for the binding out poor children apprentices have been heretofore or shall be hereafter executed by any directors, guardians, acting guardians, or other officers of any hundreds, parishes, or other districts now incorporated or hereafter to be incorporated under and by virtue of any act of parliament, by affixing thereto the seal of the corporation of which they are or shall be directors, guardians, acting guardians, or other officers respectively, such execution of the said indentures respectively shall be deemed and taken to be a good, valid, and effectual execution of the said indentures respectively by the said directors, guardians, acting guardians, or other officers of such incorporated hundred, parishes, or other districts respectively.

Indentures with seal of corporations annexed to be valid.

III. And whereas it is expedient that justices of the peace in every city, borough, or town corporate, should have concurrent jurisdiction with county magistrates in apprenticing any child or children within the limits of such city, acting for the

Indentures to be allowed by two justices, one of them acting for the

county and
one for the
city, &c.

borough, or town corporate ; be it therefore enacted, that from and after the passing of this act every indenture for the binding of parish apprentices within any city, borough, or town corporate, shall be allowed by two justices of the peace, one of such justices acting for and on behalf of the county, and the other of such justices acting for and on behalf of the city, borough, or town corporate within the limits of which such child shall be bound.

This act not
to set aside
decisions al-
ready come
to.

IV. Provided always, and be it further enacted and declared, that nothing in this act contained shall be construed to affect or set aside any decision or judgment made or given in any court of judicature respecting any such indentures.

ADDENDUM.

5 & 6 WILL. 4, c. 69.

An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in England and Wales. [9th September, 1835.]

WHEREAS there are certain legal difficulties attending the title, purchase, sale, and disposal of property, which, with respect to workhouses and other property belonging to parishes, incorporations, or unions, it is expedient to remove; and it is also expedient to simplify the assurances for the conveyance, exchange, or transfer of such property: Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall be lawful for the commissioners of the King's Majesty's woods, forests, and land revenues, by and with the consent in writing of the lord high treasurer or the commissioners of his majesty's treasury, or any three or more of them, and for his majesty, by any grant signed by the chancellor of the duchy of Lancaster, and for the Duke of Cornwall, by any grant signed by the chancellor of that duchy, to grant, and for the guardians and overseers of the poor of any parish or union of parishes, under the direction and with the approbation of the poor law commissioners for England and Wales, (to be testified by order under their hands and seal,) and for any lay or ecclesiastical corporation, aggregate or sole, and for any feoffees or trustees to charitable or other uses, and for any person beneficially seised or entitled in possession as tenant in fee simple, or in fee tail, general or special, or for his own life, or for years determinable on his own life, (such estate for life or years not being subject to any rent,) or for any term of years in gross whereof not less than four hundred shall be unexpired, and subject to no equity of redemption or rent, except a nominal rent, and for any married woman entitled or interested as aforesaid to her separate use, and for the guardian, trustee, husband, or committee of any person so seised or entitled who shall be an infant,

Powers for corporations and persons under disability to convey lands, &c. for the purposes of this act.

married woman, (not separately entitled,) idiot, lunatic, or under any other disability, to dispose of, by way of absolute sale, or in exchange for any messuages, lands, or other hereditaments, any lands or buildings for the purpose of the same being used as or converted into a workhouse, or of being used as the site of a workhouse, or of being occupied with a workhouse, or for any other purpose relating to the relief of the poor, which the said poor law commissioners may approve of, with the rights and appurtenances, and to convey the same and the fee simple and inheritance thereof unto the guardians or overseers of any union or parish and their successors, or in such other manner as the said poor law commissioners may direct, and to accept from and give to such guardians or overseers any monies by way of equality of exchange.

Investment
of purchase
money to the
same uses as
the estates
sold were
subject to.

II. And with regard to the application of money paid for the purchase or on the exchange of hereditaments of persons under disability, be it enacted, that all sums of money which shall be agreed to be paid to any corporation, or to any trustee, guardian, or committee for or on behalf of any infant, ward, lunatic, idiot, married woman, or other person under disability, or to any person whose lands shall be limited in settlement, for the purchase or exchange of hereditaments as aforesaid, shall, in case the same shall exceed the sum of fifty pounds, and there shall be no person capable of giving a sufficient discharge for the same, be paid by the said guardians and overseers into the Bank of England, in the name and with the privity of the accountant-general of the Court of Exchequer, to be placed in his account to the credit of the party who shall be so interested in the said hereditaments, describing them, subject to the order of the said Court of Exchequer; which said Court, on the petition of or motion on behalf of any corporation or person making claim to any such money, is hereby empowered to order summarily the investment of such money in the purchase of real estates, to be settled to the same uses and upon the same trusts as the lands so sold were previously subject to, or in the public funds, and the distribution of the rents and dividends thereof respectively, according to the respective interests of the claimants thereof, and to make such other order in the premises as to the Court shall seem reasonable; and the cashier of the Bank of England, who shall receive such money, shall give a receipt to the party paying the same, specifying for what the same is received, which receipt shall be to all intents and purposes a sufficient discharge; and upon such receipt being given, it shall be lawful for the said poor law commissioners, by order under their hands and seals, to direct that the said hereditaments so purchased by such guardians or overseers, shall be appropriated for the purposes of this act; and in case of doubts or questions of title to any money

paid into the Bank of England by virtue of this act, or the securities on which the same may be invested, or the dividends or interest thereof, the corporation or person who shall have been in the possession of such hereditaments, interests, or incumbrances at the time of such purchase, and persons claiming under them, shall be deemed and taken to be lawfully entitled to such hereditaments, interests, or incumbrances, until the contrary shall be shown to the satisfaction of the said Court of Exchequer; and the securities and principal and interest monies shall be applied and disposed of accordingly; and in case of such purchase, payment into the Bank of England, and application to the Court of Exchequer as aforesaid, it shall be lawful for the said Court to order the expenses attending such purchase, payment, or application, or any part thereof, to be paid by such guardians or overseers, who shall accordingly pay the same as and when the said Court shall direct, and the money so paid shall be a charge on the poor rates of such parish or such union, as the case may be.

Parties in possession to be deemed entitled.

Court of Exchequer may order payment of expenses.

III. And in order to insure the due application of the property of parishes and unions, be it enacted, that it shall be lawful for the guardians of any parish or union, and for the overseers of any parish not under the management of a board of guardians, and for the guardians or trustees, guardian or trustee of any dissolved union, or the person or persons who were the guardians or trustees, guardian or trustee of any dissolved union at the time of its dissolution, or a majority of such guardians, trustees, or persons, if more than one, with the approbation, and subject to the rules, orders, and regulations of the poor law commissioners, to sell, exchange, let, or otherwise to dispose of any workhouses, tenements, buildings, land, effects, or other property belonging to any such parish or union, or vested in trustees or feoffees in trust for such parish or union, or for the parishioners, rate-payers, or inhabitants thereof, or which belong or did belong to any dissolved union, and every and any part of such property, and to convey, assign, or transfer the same accordingly to the purchasers or parties exchanging, as they shall direct; and in case of a sale, to apply the produce arising therefrom (after deducting the reasonable expenses thereof) towards the purchase or building of any workhouse, or as or in part of the proportion of such parish or union, towards the expense of any workhouse erected, purchased, or provided on behalf of such parish or union; or as a loan to the board of guardians of such union, upon the security of the rates, for the purpose of erecting a workhouse, or in liquidation of any debt contracted by such parish or union or dissolved union, or in such other manner for the permanent advantage of such parish or union or dissolved

Power to overseers and guardians of the poor to sell, purchase, and dispose of workhouses, &c.

4 & 5 W. 4,
c. 76.

union, as the said poor law commissioners may approve; and in case of an exchange, the hereditaments to be taken in exchange shall be conveyed to the guardians of such parish or union, or the overseers of such parish, upon the same trusts, and the rents and profits thereof shall be applied to the same purposes, as the hereditaments given in exchange were held, and the rents and profits thereof would have been applicable under the provisions of the law or of this act, if the same hereditaments had not been exchanged; and it shall be lawful for the said poor law commissioners to direct the mode and proportions on parishes in which any money required for the purchase of any such property shall be raised, paid, and secured, and also to direct the mode in which the persons by whom, and the objects relating to the management of the poor to which, the rents, profits, beneficial occupation, or income of such property shall be applied, assigned, or distributed; and wheresoever the workhouse or workhouses of any parish in any union may have become or shall hereafter become convertible to the common use of such union, it shall be lawful for the said poor law commissioners to direct such an annual sum, in the nature of rent or other compensation, to be paid to such parish out of the common fund of the union, and to vary the amount of such annual sum or compensation from time to time, as they the said poor law commissioners shall see fit: Provided always, that no such sale or exchange, or letting of any workhouses, tenements, buildings, or land of any parish shall take place, except with the consent of a majority of the rate-payers of such parish, and of the owners of property therein, entitled to vote under and by virtue of the act passed in the fourth and fifth years of the reign of his present majesty, intituled "An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales," assembled at a meeting to be duly convened and held for the purpose, after public notice of the time and place and purpose of holding such meeting shall have been given, in like manner as notices of vestry meetings are published and given, such majority to be ascertained in manner provided by the said act: Provided also, that every sale and exchange or lease of any such workhouse, tenements, buildings, land, or other property, which may have been made before the passing of this act, with the consent or approbation in writing of the said poor law commissioners, shall be as valid and effectual as if the same had been directed by their order under the authority of this act; and that any monies or rents which have become or shall become payable in respect of any such sale, exchange, or lease, and have not been applied, shall be applied in the same manner as such monies or rents would have been applicable if such sale or exchange or lease had been made under this act.

IV. And be it further enacted, that all powers and authorities in and by an act passed in the twenty-second year of the reign of King George the Third, intituled "An Act for the better Relief and Employment of the Poor," given to guardians of the poor for or relating to the inclosing of any part or portion of waste or common land, as therein mentioned; and all powers and authorities in and by an act passed in the fifty-ninth year of the same reign, intituled "An Act to amend the Laws for the Relief of the Poor," given to churchwardens and overseers of the poor for taking land or ground into their hands, and for purchasing, hiring, and taking on lease any land; and all the powers and authorities contained in an act passed in the first and second years of the reign of his present majesty, intituled "An Act to amend an Act of the Fifty-ninth Year of His Majesty King George the Third, for the Relief and Employment of the Poor;" and in a certain other act, passed in the first and second years of the reign of his present majesty, intituled "An Act to enable Churchwardens and Overseers to inclose Land belonging to the Crown, for the Benefit of poor Persons residing in the Parish in which such Crown Land shall be situate;" and in a certain other act passed in the second year of the reign of his present majesty, intituled "An Act to authorize (in Parishes inclosed under any Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers;" shall in future be exercised (under the control, and subject to the rules, orders, and regulations of the poor law commissioners) by the overseers of the poor in any parish not under the management of a board of guardians, and by the guardians of the poor of any union or parish formed or established by virtue of any statute or local act; and all the aforesaid powers and authorities relating to the inclosing, purchasing, hiring, or taking any waste, common, or other land, for the purpose or purposes in the said acts mentioned, shall extend and apply to and may be so exercised as aforesaid, by the said overseers and guardians, for the purpose of being used as the site of a workhouse, or of being occupied with a workhouse, or for any other of the purposes of the said recited act passed in the fourth and fifth years of the reign of his present majesty.

V. And be it further enacted, that the powers and authorities given by the said act of the fifty-ninth year of King George the Third, and by the said act of the second year of the present reign, to justices of the peace to cause possession of parish houses and lands, and portions of land, to be delivered to the churchwardens and overseers of the poor, and any other auxiliary powers or provisions in the said acts or other acts contained in relation thereto, shall extend to and shall be exercised by such justices in respect of any houses

Power to overseers to take waste or forest lands, extended to guardians, &c.

22 G. 3, c. 83.

59 G. 3, c. 12.

1 & 2 W. 4, c. 42.

1 & 2 W. 4, c. 59.

2 & 3 W. 4, c. 42.

Powers given to justices to deliver possession of parish houses, &c. to churchwardens and overseers, extended to property of unions, &c.

and lands and portions of land, which are or may be vested in or under the management or control of the guardians of the poor of any union or parish, in the same manner as if the name of those officers had been inserted in the said acts instead of the names of the churchwardens and overseers of the poor.

Mode of conveyance.

Approval of the poor law commissioners.

Guardians incorporated.

VI. And for simplifying the instruments of assurance of property under this act, be it enacted, that every conveyance, exchange, security, or assignment of security, under the authority of this act, may be made according to the forms set forth in the schedule annexed, or in such other forms as the said poor law commissioners shall direct, or as near thereto as the number of parties, the nature of the interests, and the circumstances of the case will admit, and shall, when executed by the conveying parties, be valid and effectual in the law, without livery of seisin being made, or any bargain and sale to vest possession being executed; and that every conveyance, exchange, security, transfer of security, or instrument, made under the authority of this act, shall, when signed by the conveying parties thereto, be transmitted to the said poor law commissioners, who shall, if they shall approve thereof, signify such approval by sealing or stamping the same with their seal; and for preserving evidence of such instruments, the said commissioners shall keep a register, properly indexed, in which they shall insert copies or memorials of such deeds or instruments of which they shall so approve, and of such orders of appropriation of property as are hereinbefore mentioned; and all such copies or memorials, or copies thereof, purporting to be sealed or stamped with the seal of the said commissioners, shall be received as evidence of the instruments respectively, of which they purport to be copies or memorials.

VII. And for the more easy execution of the purposes of this act, and of the laws relating to the poor, be it enacted, that the guardians of the poor of every union already formed, or which hereafter shall be formed, by virtue of the aforesaid act, passed in the fourth and fifth years of his present majesty, and of every parish placed under the control of a board of guardians by virtue of the said act, shall respectively, from the day of their first meeting as a board, become or be deemed to have become, and they and their successors in office shall for ever continue to be, for all the purposes of this act, a corporation, by the name of the guardians of the poor of the union (or of the parish of) in the county of ; and as such corporation the said guardians are hereby empowered to accept, take, and hold, for the benefit of such union or parish, any buildings, lands or hereditaments, goods, effects, or other property, and may use a common seal; and they are further empowered by that name to bring actions, to prefer indictments, and to sue and

be sued, and to take or resist all other proceedings for or in relation to any such property, or any bonds, contracts, securities or instruments, given or to be given to them in virtue of their office; and in every such action and indictment relating to any such property, it shall be sufficient to lay or state the property to be that of the guardians of the union, or of the parish of _____; and in case of any addition to or separation of any parishes from any such union, under the authority of the said act, passed in the fourth and fifth years of the reign of his present majesty, the board of guardians for the time being shall (notwithstanding such alteration) have and enjoy the same corporate existence, property and privileges, as the board of guardians of the original union would have had and enjoyed had it remained unaltered.

VIII. And be it enacted, that all buildings, lands or hereditaments, goods, effects, or other property, which, before the passing of this act, may have been conveyed, with the consent or under the directions of the said poor law commissioners, to any persons in trust for and for the use of any union or parishes, shall, without any further act, vest in the guardians thereof as such corporation, in the same manner as if the same respectively had been conveyed to or vested in them under the provisions of this act.

Previous sales made with the consent of the commissioners to be valid.

IX. And in the interpretation of this act, be it enacted, that wherever in this act, in describing any person or party, matter or thing, the word importing the singular number or the masculine gender only is used, the same shall be understood to include and shall be applied to several persons or parties, as well as one person or party, and females as well as males, and several matters or things as well as one matter or thing respectively, unless there be something in the subject or context repugnant to such construction; and the words and expressions "general rule," "guardian," "justice or justices of the peace," "orders and regulations," "overseers," "owners of property," "parish," "person," "poor," "poor rate," "union," "vestry," and "workhouse," shall bear and be construed to have the same signification as the same words and expressions are declared to have in the said act of the fourth and fifth years of the present reign, for the amendment and better administration of the laws relating to the poor in England and Wales.

Interpretation clause.

SCHEDULE TO WHICH THIS ACT REFERS.

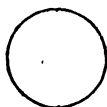
Form of Conveyance.

THIS deed, made the day of in the year , by virtue of an act passed in the fifth and sixth years of the reign of King William the Fourth, intituled [*the title of this act*], and under the direction [*or with the approbation*] of the Poor Law Commissioners for England and Wales, testified by their seal being hereunto affixed, witnesseth, That A. B. of in consideration of the sum of paid to him [*or into the Bank of England*] by C. D. of doth grant and convey [*or demise or assign, proper words of conveyance to be used,*] all &c. [*the property to be aptly described*], and all the right, title, and interest of the said A. B. in and to the same and every part thereof, unto and to be holden by the said C. D. his heirs and assigns. In witness whereof the said A. B. and C. D. have hereunto set their hands and seals.

Witness E. F.

A. B. (L.S.)
C. D. (L.S.)

The seal of the
Poor Law



Commissioners.

Approved and registered the
day of .

Form of Exchange.

THIS deed, made the day of by virtue of an act passed in the fifth and sixth years of the reign of King William the Fourth, intituled [*the title of the act*], and under the direction [*or with the approbation*] of the Poor Law Commissioners for England and Wales, testified by their seal being hereunto affixed, witnesseth, that A. B. of doth grant and convey unto C. D. of all [*the property to be aptly described*], in exchange for the hereditaments hereinafter conveyed, to the intent that the said hereditaments above conveyed may be held and enjoyed by the said C. D. and the person or persons who for the time being would have been entitled to the hereditaments hereinafter conveyed, if this present exchange had not been made, and shall be and become subject to such and the same uses, trusts,

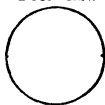
powers, conditions, limitations, restrictions, charges, and incumbrances as the same hereditaments hereinafter conveyed, now are or may or but for this present exchange would have been subject or liable to: And this deed further witnesseth, That, in pursuance of the said act, and under the said direction, [or approbation], the said C. D. doth grant and convey unto the said A. B. all [*the property to be aptly described*], in lieu of and in exchange for the hereditaments firstly hereinbefore conveyed, to the intent that the hereditaments lastly hereinbefore conveyed may be held and enjoyed by the said A. B., and the person or persons who for the time being would have been entitled to the hereditaments firstly hereinbefore conveyed if this present exchange had not been made, and shall be and become subject to such and the same uses, trusts, powers, conditions, limitations, restrictions, charges, and incumbrances as the same hereditaments now or may be, or but for this present exchange would have been subject or liable to. In witness whereof the said A. B. and C. D. have hereunto set their hands and seals.

Witness E. F.

A. B. (L.s.)

C. D. (L.s.)

The seal of the
Poor Law



Commissioners.

Approved and registered the
day of .

Form of Security.

THIS deed, made the day of by virtue of an act passed in the fifth and sixth years of the reign of King William the Fourth, intituled [*the title of this act*], and under the direction [or with the approbation] of the Poor Law Commissioners for England and Wales, (testified by their seal being hereunto affixed,) witnesseth, that A. B., C. D., E. F., and G. H., being the majority of the guardians of the poor for the union, [or the parish of], in consideration of the sum of to them in hand paid by Y. Z. of

for the purpose of purchasing, building, erecting, repairing, fitting up, or furnishing a workhouse for the union [or parish], and for providing suitable stock and utensils for that purpose, [or in consideration of the conveyance or assurance of, &c. as the case may be,] do hereby charge the poor rates of the parishes of the said union [or parish] with the payment of the principal sum of pounds, by the instalments following [*naming them*], together with interest

Appendix II.: Statutes.

on the principal which shall from time to time remain due, after the rate of per centum, to be payable half yearly to the said Y. Z., his executors, administrators, and assigns.

Witness L. M.

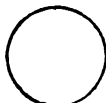
A. B.

C. D.

E. F.

G. H.

The seal of the
Poor Law



Commissioners.

Approved and registered the
day of .

Form of Transfer of Security.

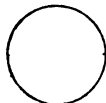
THIS deed made the day of by virtue of the act passed in the fifth and sixth years of the reign of King William the Fourth, intituled [*the title of this act*], and [*if the guardians or overseers of any parish or union are the parties transferring or accepting the security, then add*] under the direction [*or with the approbation*] of the Poor Law Commissioners for England and Wales (testified by their seal being hereunto affixed,) witnesseth, That Y. Z. of doth transfer the security, [*describing it*] with all right and title to the principal money thereby secured, and to all the interest now due or hereafter to be due thereon, unto V. W. of his executors, administrators, and assigns.

Witness E. F.

Y. Z.

V. W.

The seal of the
Poor Law



Commissioners.

Approved and registeed the
day of .

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APPENDIX III.

CASES

On the subject of the Poor Laws, decided since the last edition of Mr. Archbold's general work upon the subject. Those Readers who have that work, are requested to make marginal references in it to these Cases.

Relief.

1474. *R. v. James Cornish.* An order of justices was made upon a grandfather to pay to the overseers of the parish of Hockworthy the weekly sum of 2s. 6d. towards the support of his two grandsons, as long as they should be chargeable to the parish. It was now moved to quash this order, on the ground that it did not state that the father either was dead or unable to maintain them. But the Court were decidedly of opinion that it was not necessary to state this on the face of the order; and Lord Tenterden, C. J., and Littledale, J., were of opinion that as there was nothing in stat. 43 El. c. 2, s. 7, or 59 G. 3, c. 12, s. 26, to show that the obligation of the grandfather was absolute only in the event of the father being unable, the justices might in their discretion make the order on the grandfather, whether the father was able to maintain the children or not. 2 B. & Ad. 498. T. 1831.

Removal of the Poor.

1475. *R. v. Benett and Broughton.* Upon an application by the overseers of the poor for the parish of St. Luke, Middlesex, for a mandamus to two justices, to require them to sign an order or pass, for the purpose of passing an Irishwoman and her bastard child, born in St. Luke's, to Ireland, who had become chargeable to the parish; the magistrates objected that such a pass could not be granted,—not as to the child, because it being born in this country had a settlement here, and was consequently not within the meaning of stat. 59 G. 3, c. 12, s. 33,—and not as to the mother, for that would have the effect of separating the child from the mother during the period of nurture; but the Court held that although the child could not be passed, for the reason above given, yet as the act

was imperative as to the mother, the pass must be granted as to her, whatever the hardship or inconvenience might be. 2 B. & Ad. 712. T. 1831.

1476. *R. v. JJ. of Carmarthenshire.* An order of removal was directed to the churchwardens and overseers of the parish of Llywell, which parish however was divided into three hamlets, Treganmaur and two others, each supporting its own poor, and each having churchwardens and overseers appointed for it; the pauper and the order were in fact delivered to the overseer of Treganmaur, and that township gave notice of appeal; but when the appeal was called on at sessions, the respondents objected to its being tried, on the ground of the variance between the notice of appeal and the order of removal, the notice being by the officers of Treganmaur, and treating the order as one for the removal of the pauper to that hamlet; and the sessions on this ground refused to hear the appeal. This Court, however, upon an application for a mandamus, held that the justices ought to have heard the appeal; for as the respondents had served the order upon the officers of Treganmaur, they had thereby estopped themselves from objecting to the appeal or notice by that hamlet. 4 B. & Ad. 563. H. 1833.

1477. *R. v. Bingley.* The order of removal in this case was directed to the churchwardens and overseers of the township of Bingley, instead of the parish of Bingley; the parish was divided into several townships, one of which was the township of Bingley, none of which however supported their own poor, overseers being appointed for the parish only; against this order of removal there was an appeal, and the question was whether the sessions ought not to have quashed the order, as being directed to a township for which no overseers were appointed: the Court held it to be an informality, which the sessions might have amended; and they sent the order back to them for that purpose. 4 B. & Ad. 567, n. T. 1833.

1478. *R. v. Bishop Wearmouth.* The parish of Bishop Wearmouth is divided into seven townships, one of which is the township of Bishop Wearmouth, another the township of Bishop Wearmouth Pann's; each of the townships supports its own poor, and has separate overseers, and no overseers are appointed for the parish: a pauper belonging to the township of Bishop Wearmouth Pann's was removed by an order, which by mistake was directed to the churchwardens and overseers of the parish, and when the pauper was presented to the overseer of the township, he admitted that he was settled in the township, but as the order was not directed to the officers of the township, he refused to receive him, unless the removing parish would forego some expenses of maintenance which they claimed; this was refused, and the officer of the removing

parish took the order and pauper to the churchwarden of the parish, and delivered them to him, who immediately lodged the pauper in the workhouse of the township of Bishop Wearmouth. This latter township having appealed, it was now contended that they had no right to do so, as they were not aggrieved by the order, not being mentioned in it: but the Court held that as the order was directed to a parish of the same name with the township, the latter might reasonably apprehend that, unless they appealed, they might (on the authority of *R. v. Kirkby Stephen*) be estopped afterwards from showing that the pauper was not settled in their township; and therefore they were parties aggrieved within the meaning of the statute, and had a right to appeal. 5 B. & Ad. 942. H. 1834.

Service and suspension of order of removal.

1479. *R. v. Penkridge*. In May, 1825, an order of removal was made, but was suspended on account of the pauper's illness; it was not served until August, 1826; in January, 1831, the suspension was taken off by an order of justices, which also ordered the payment of 80*l.* 12*s.* 6*d.* as the costs of maintenance; and in February, 1831, the pauper was removed, he being from May, 1825, until then in such a bad state of health that he could not be removed. The parish then appealed against the first order, and the sessions held that as it had not been served within a reasonable time after it was made, it was void, and they therefore quashed both orders: but the Court held that this made the order voidable only upon appeal, and not void; and if the parish had appealed against it at the next sessions after they were served with it in 1826, the sessions might have quashed it for that reason if they thought fit; but as they had not appealed in time, they could no longer avail themselves of the objection. 3 B. & Ad. 538. E. 1832.

Appeal against an order of removal.—Notice of appeal.

1480. *R. v. JJ. of Norfolk*. An appeal against an order of removal was entered and respited at the January sessions, and notice of trial was given fifteen days before the April sessions for those sessions; there was a rule of the sessions, however, which required that where an appeal was entered and respited, notice thereof should be given to the officers of the removing parish within one month after such entry and respite, and because this notice was not given, the sessions dismissed the appeal. Upon application for a mandamus to the justices to enter continuances and hear the appeal, the Court held that the justices had no authority to require this notice of the entry and respite; the statute required only a notice of appeal, and all the justices could do was to decide whether that notice was

given in reasonable time ; the Court therefore granted the rule. 5 B. & Ad. 990. H. 1834.

1481. *R. v. JJ. of the West Riding.* An appeal against an order of removal came on to be heard at the sessions, and was respited ; when it was called on at the next sessions, the respondents objected to its being tried, as the appellants had not given a fresh notice of trial as required by the practice of the sessions ; the justices held that such notice was necessary, and confirmed the order, but granted a case, in order that the opinion of the Court might be taken upon the subject. The appellants, instead of proceeding with the case, moved for a mandamus to the justices to hear the appeal ; but the Court refused it, on the ground that the sessions, by granting a case, had already afforded the appellants a sufficient remedy. 1 Ad. & E. 606. T. 1834.

Proceedings at the hearing of an appeal.

1482. *Ex parte Becke.* Upon an appeal against an order of filiation being called on at sessions, the appellant applied to the Court to postpone the trial, upon an affidavit of the absence of a material witness, and the non-appearance of another of his witnesses on being called upon his subpoena : the sessions however refused the application, and confirmed the order. The appellant applied for a mandamus to the justices to hear the appeal ; but the Court held that as this was a question peculiarly for the sessions, they ought not to interfere ; and they accordingly refused the rule. 3 B. & Ad. 704. T. 1832.

Special case.

1483. *R. v. JJ. of Pembrokeshire.* Upon the trial of an appeal against an order of removal, the sessions confirmed the order, subject to a case, generally, without specifying as to any particular point ; the attornies, not being able to agree upon the case, applied to the chairman, who declared that the Court were of opinion that certain alleged facts, upon which it was intended to raise the point in the case for the consideration of the Court, did not exist, and he refused to sign any case which should state those facts. The appellants now applied to the Court of King's Bench for a mandamus to the justices, requiring them to state a case ; but the Court, admitting that there might be cases in which they would grant such a mandamus, refused to do so under the circumstances. 2 B. & Ad. 391. E. 1831.

1484. *R. v. Eurl of Effingham and others.* Upon an application for a mandamus to the justices at sessions requiring them to state a special case, it appeared that upon the hearing of an appeal between two parishes, the sessions (consisting of

seven justices) confirmed the order, and upon the application of the appellants granted a special case; the counsel on both sides at the latter part of the sessions tendered a case to the sessions for their approbation, when only three magistrates were present, and two of the three then refused to permit the case to be stated. The Court said that as there was no dispute about the facts to be stated, the mandamus should go; if there were any difference about the facts, the justices would have to re-examine the witnesses to enable them to state the case. 2 B. & Ad. 393, n. M. 1781.

1485. *R. v. Matlock.* Upon the hearing of an appeal, the sessions granted a case, but the counsel not agreeing upon the facts, each submitted his statement to the chairman, that he might draw up a case from them and from his notes; a case, purporting to be signed by the chairman, was afterwards sent up with the orders, in return to the certiorari, but the attorney for one of the parties, conceiving it not to accord with the facts proved, applied to the chairman upon the subject, who stated that he had no recollection of having signed the case; but the clerk of the peace, on the contrary, made oath that the case sent up was a true copy of one which was signed by the chairman, the practice being to send up a copy and not the original: Upon application for a rule to have the case sent back to be restated, the Court refused it, saying that, as the case came before them with the signature and apparent authority of the chairman, they could not, without very strong grounds, presume it not to be his, and that the matter alleged was not sufficient to impeach it. 5 B. & Ad. 883. M. 1833.

1486. *R. v. St. Cuthbert, Wells.* A sessions' case stated, that in 1774 the pauper's father was put apprentice by the parish officers of Ditcheat, with the assent of two justices, to one Powell, a farmer in that parish, "for and in respect of Mr. William Wilmot his estate," and there was a covenant by Powell to teach him the farming business; Powell was tenant of a farm in Ditcheat, belonging to Wilmot, who was a stocking maker, and the indenture was in fact executed by Wilmot, but the case did not state that it was executed by Powell; the apprentice never in fact served Powell, but served Wilmot in the parish of St. Cuthbert as a stocking weaver. It was contended that this was a binding to Powell, with intent that the pauper should serve Wilmot, and that after the lapse of time since the binding and service, it ought to be presumed that Powell either assigned the apprentice to the latter, or assented to his serving him: but the Court held that these ought to have been found as facts by the sessions; and as it was not found that Powell had either assigned the indentures to Wilmot, or assented to the apprentice serving him, it did not appear from the case that the pauper's father gained any settlement by a service under the indenture. 5 B. & Ad. 939. H. 1834.

1487. *R. v. Blakham*. Upon an appeal against a conviction, the sessions quashed it, subject to a case; a certiorari was thereupon sued out by the respondents, and the proceedings and case brought up, but, upon argument, the Court ordered the case to be sent back to the sessions to be restated; the sessions then reheard the appeal, and confirmed the conviction, subject to a case; and at the following sessions, upon application, they ordered that the case should be restated, and returned to the Court of King's Bench under the original certiorari. More than six months having elapsed since the appeal was reheard, and no new certiorari being sued out, the respondents moved for a procedendo; the appellant accounted for the delay, by saying that the respondents refused to agree to the stating of the case, but argued that as the Court had sent the case back merely to be restated, the sessions had no authority to make a new order, and that it was incumbent on the respondents to bring up the restated case under the original certiorari. But the Court held that when a case is sent back to sessions to be restated, that implies that the sessions may rehear it, for it may be necessary that they should do so in order to restate the case; and if they rehear it, and reverse their former judgment, subject to a case, it is incumbent upon the party against whom the decision is, to have these new proceedings and case brought before the Court by a new certiorari; and the stat. 13 G. 2, c. 18, s. 5, being peremptory in requiring this to be done within six months, it precluded the Court from extending the time by any indulgence to the parties; as the case, however, was not before them, they said they could not award a procedendo, but they discharged all the rules, thereby leaving the parties in the same situation as if there had been no appeal. 1 *Ad. & E.* 386. *E.* 1834.

Evidence in an Appeal.

1488. *R. v. Bathwick*. Upon the trial of an appeal against an order for the removal of Elizabeth, the wife of one Cook, the respondents having called Cook as a witness, and proved by him his settlement and his marriage with the pauper, the appellants, in order to prove his previous marriage with another woman who was then living, called that woman to prove it; it was objected that she was incompetent, but the sessions received the evidence, and quashed the order of removal, subject to a case. It was now contended, that as the wife's evidence went to criminate the husband, it ought not to have been received; but the Court held, that as the husband had not been questioned as to the first marriage, and the evidence of the wife therefore did not contradict him, and also as the evidence of the wife was not to support any direct charge or proceeding against her husband, it was properly received; and even if he had been questioned, they doubted whether she would not have been competent. [*See this case, also, as to Marriages in Ireland*

Appeal against an Order of Removal. 226

By Protestant clergymen, not in facie ecclesie.] 2 B. & Ad. 639. T. 1831.

1489. *R. v. Podstaw.* Upon the trial of an appeal against an order of removal, the respondents proved by parol evidence the taking of a tenement in the year 1828, at a yearly rent exceeding 10*l.* by the husband of the pauper, (who had since gone to America,) and the occupying of and payment of rent for the same for two years; the appellants then proved by a witness, that the taking in question was by agreement in writing; and it was now insisted for them that, as the respondents had not produced and proved the written agreement, the order of removal ought to be quashed: but the Court held, that as the objection appeared from their evidence only, and not from that of the respondents, it was for the appellants to produce and prove the agreement, if they intended to found any defence upon it; the rule is, that if after proof by a party of a contract by parol, it appear from that party's witnesses, either upon examination or cross-examination, that the contract was in writing, he must then produce and prove it; but if this appear, not from the evidence of his witnesses, but from witnesses called by the opposite party, then the latter must produce and prove the written agreement, if he would derive any advantage from it. 4 B. & A. 208. M. 1832.

1490. *R. v. Friarston.* Upon motion for a mandamus to the sessions to enter continuances and hear an appeal, it appeared that upon the trial of the appeal, the appellants, to prove a settlement by renting a tenement, put in a written agreement, but this being signed by the tenant only, and not by the landlord, and being objected to on that account, the sessions refused to receive it, or to hear parol evidence of the letting, and accordingly dismissed the appeal. The Court said they could not interfere; the sessions had heard the case, and determined the point of law, and if they decided erroneously, still this Court could not interfere to set them right, unless a case had been stated. 5 B. & Ad. 597. M. 1833.

1491. *R. v. Wick St. Lawrence.* In 1822 the pauper was removed from Banwell to Wick St. Lawrence, and the latter appealed, but afterwards abandoned their appeal, and the order was accordingly quashed by consent. In 1832 the pauper was again removed from Banwell to Wick St. Lawrence; the latter appealed, and, on the trial of the appeal, gave in evidence that the reasons they abandoned the former order was, because the pauper was then residing upon a tenement purchased by him for a sum under 30*l.*, and from which he was irremovable, although it conferred no settlement, and that having since sold it and become chargeable, they removed him. It was contended, that the first order was conclusive as between these two parishes, and therefore the sessions ought not

to have received this evidence : but the Court held that it was conclusive only as to the point actually decided by the judgment of the sessions ; and as the quashing of an order may be on the ground, either of the pauper not being settled in the appellant parish, or of his not being chargeable to or removable from the respondent parish at the time of the removal, evidence must be admitted to show on which of these grounds the judgment proceeded ; they held therefore that the sessions had rightly received the evidence in question. 5 B. & Ad. 526. M. 1833.

Settlement by Birth.

1492. *R. v. Mattersey.* Elizabeth Otter lived with one Green, a farmer at Mattersey, and had two illegitimate children by him, one of whom was the pauper ; when she was pregnant of the pauper, Green sent her to a place called Lodge-on-the-Wolds, which was extraparochial, to be delivered there, he paying the expenses of her lying-in, and after her delivery she returned to Green, and continued to live with him. It was contended, that as this was a fraud upon the part of Green, a ratepayer, to prevent the child from being chargeable to Mattersey, the case must be considered as if the fraud had not been committed, and the mother not removed : but the Court held, that it was only where such a fraud had been practised by the parish officers, that the bastard is deemed to be born in the parish from which the mother was removed ; and that not being the case in the present instance, the pauper could not be deemed to be settled in Mattersey. 4 B. & Ad. 211. M. 1832.

1493. *R. v. Lubbenham.* Upon the trial of an appeal, the appellants, in order to prove a birth settlement of Elizabeth Brittain at Ketton, proved the marriage of her father and mother there in 1749, the baptism of Mary, their daughter, there in 1751, the baptism of John, their son, there in 1753, and the baptism of their daughter Elizabeth (the person in question) there in 1755, and the baptism of Susannah, another daughter, there in 1756 ; but the sessions, not being satisfied from this evidence, that Elizabeth was born at Ketton, decided against the settlement. It was contended that, from evidence of so many of the children being baptized at Ketton, the sessions ought to have inferred that Elizabeth was born there : but the Court said that if the question intended to be submitted to them was, whether the sessions were bound to come to the conclusion that Elizabeth was born at Ketton, from the evidence adduced, they should say certainly not ; and they therefore confirmed the order of sessions. 5 B. & Ad. 968. H. 1834. See also *R. v. St. Katherine near the Tower*, *id.* 970, in *notis*.

Settlement by Parentage, (Emancipation.)

1494. *R. v. Much Cowarne.* The pauper, who was an idiot from his birth, lived with his father and mother in Great

Settlement by Parentage, (Emancipation). 225

Witley, the place of his father's settlement, until his mother's death in 1822, the pauper being then thirty-one years of age; in 1824 the father left him, and for two years served as farmers' servant in different parts of the country, until in 1826 he married a second wife, and went to live on some property of hers in Much Cowarne, where he gained a settlement; after the father left Great Witley, the pauper, not being able to take care of himself through imbecility of mind, was taken care of by the parish officers. The Court held that, as he was an idiot and incapable of taking care of himself, he could not be deemed to be emancipated, and was consequently entitled to the after acquired settlement of his father in Cowarne; the reason a separation of a child from its parent after the age of twenty-one is deemed an emancipation is, that at that age he is presumed to be able to provide for and take care of himself, which reason cannot apply to the case of an idiot. 2 B. & Ad. 861. M. 1831.

1495. *R. v. Oulton*. The pauper was the daughter of one Barnes, who up to the year 1830 was settled in Oulton, and then gained a settlement in Aikton; and the question was, whether the pauper, previously to the last settlement, had been emancipated. She had always lived with her father, and for some years, and up to the time of the appeal, did the work of his house and was the main support of his family, except that in the autumn of 1829, she, being then about twenty-three years of age, with the consent and by the desire of her father, hired herself to a neighbouring farmer for the harvest, and remained in his service at harvest work, for three weeks, and in the following harvest again hired herself to the same farmer for the harvest, and remained in his service a fortnight, and upon this last occasion gave her father her earnings; but upon neither of these occasions did she intend to separate herself from her father's family, but to return to him the instant she had finished her harvest work, and which she did accordingly. Denman, C. J., Taunton and Patteson, JJ. (*Littledale, J., dissentiente*), held that by hiring herself to another, and working for and residing with him, as above mentioned, she was emancipated; and that it having been done with the consent of the father made no difference, as, being of age, she might have so hired herself without his consent. 5 B. & Ad. 958. H. 1834.

Settlement by Marriage.

1496. *R. v. Wroston*. The pauper, Susannah Carpenter, was removed to the place of her husband's settlement, and the only question was as to the validity of their marriage: her maiden name was Susannah Spencer, but Carpenter, who took upon himself to have the bans published, had them published in the feigned name of Agnes Watts, and the clergyman during the ceremony called her Agnes, but she never knew until after the marriage that the bans had been published in the wrong name. The Court held the marriage to be valid; to invalidate a marriage for want of a due publication of bans,

within stat. 4 G. 4, c. 76, s. 22, both the husband and wife must at the time of the marriage have a knowledge that no due publication of bans has taken place. 4 B. & Ad. 640. E. 1833.

1497. *R. v. Stockton*. An order was made for the removal of Frances Carstofen, (the wife of a Scotchman, who had gained no settlement in England, and was then a lunatic,) together with her three children, to the place of her maiden settlement. It was objected that the order was bad on the face of it; as it did not state any desertion of the wife by the husband: but the Court held that they would not presume that they were living together at the time of the removal, or any other fact which would have the effect of vitiating the order; and as the order stood, it was perfectly consistent with it that they were not living together, or that he was living in the parish to which she was removed. 5 B. & Ad. 546. M. 1833.

1498. *R. v. Seward and others*. The defendants were indicted for conspiring to cause a poor man settled in St. Ives, to marry a poor unmarried woman, pregnant, who was settled in Chatteris, for the purpose of relieving Chatteris from the burden of maintaining her, and throwing that burden upon St. Ives. The defendants were convicted, but the Court of King's Bench, upon motion in arrest of judgment, held this to be no offence, as it was not alleged to have been done by any fraud, stratagem or concealment, or by duress or threat, or any other unfair or undue means; and the judgment was arrested accordingly. 1 Ad. & E. 706. T. 1834.

Settlement by Hiring and Service.

1499. *R. v. Creditor*. The pauper agreed with a sawyer for a year, to learn sawing, and was to have 7s. out of every 20s. earned by him and his master; he served that year; he then agreed again for another year, during which he was to receive 8s. out of every 20s., and he served accordingly. The Court held that the pauper gained no settlement by this service; the relation between him and his master was not that of master and servant, but that of master and apprentice, the contract to learn upon one part, implying a contract to teach upon the other; and as to the contract for the second year, it was in substance the same as the first, varying only in the wages. 2 B. & Ad. 493. T. 1831.

1500. *R. v. Dremerchion*. The pauper was hired for a year in May, 1819, and served accordingly; he resided constantly with his master in Dremerchion, from the time of the hiring until November, when he married, after which he resided only from Monday morning until Saturday evening in each week with his master, and, by his master's permission, from Saturday evening until Monday morning with his wife in the parish of St. Asaph; he resided then more than forty days at St. Asaph, and slept

there on the nights of Saturday and Sunday, the last two days of his year; on the Monday he went again to his master's, and continued afterwards working for him as a day-labourer. It was objected that as the pauper performed no service for his master during his residence at St. Asaph, the residence there had no reference to the hiring, and therefore he gained no settlement by it: but the Court held that, although that rule obtained in settlements by apprenticeship, arising from the words "binding and inhabitation," in stat. 3 W. & M. c. 8, the rule did not extend to cases of hiring and service, in which cases the settlement is gained in the parish in which the servant sleeps the last forty days of his service, 3 B. & Ad. 420. E. 1832.

R. v. Nacton. The pauper's husband hired with one Stubbings, a shepherd, to serve him as shepherd's page in Barnham, for one year from Midsummer, 1804, and served accordingly; Stubbings himself had been hired at the same time by a farmer at Barnham as his shepherd, and instead of wages he was to have a house to live in rent free, a certain quantity of barley and rye, firing, and the going of 105 with his master's flock, which in that country meant that they should be pasture fed, except in bad weather, when they would be fed on turnips and hay, and the pasture feeding of so many sheep was worth more than 10*l.* a year; but before the farmer would hire Stubbings, he was obliged to obtain a certificate from the parish in which he was then settled. It was contended therefore, that as Stubbings was a certificate man, a hiring and service with him could not confer a settlement; that the going of the 105 sheep was not a tenement so as to confer a settlement; and even if it were, as Stubbings did not gain a settlement by it until after forty days' residence, the hiring and forty days of the service of the pauper's husband were when Stubbings was a certificate man. But the Court held that the going of the 105 sheep, as they were to be pasture fed, was a tenement within the meaning of the statute, being a perception of the profits of land by the mouths of cattle, and whether paid for by money or services was immaterial; and as Stubbings came to settle on a tenement of the annual value of 10*l.* he was irremovable from the instant he came into the parish, and therefore could not be deemed to have resided there under the certificate; and that consequently the pauper's husband gained a settlement in Barnham by his hiring and service with Stubbings. 3 B. & Ad. 543. E. 1832.

1502. *R. v. Child Okeford.* The pauper, on the 17th April, 1825, hired for a year to one Rossiter, a farmer in Child Okeford, for five guineas the year, and served under that agreement until the 11th April following; he then made a fresh agreement with his master as an out-door servant, at 5*s.* a week, and served under that agreement two months; for sixteen days after the first hiring, he resided at Child Okeford and

then went with his master to Marnhull, and resided there until the 6th April following, when he came back to Child Okeford, where he resided during the remainder of his service under the old, and also for the two months under the new hiring. It was objected that, as he had not resided in Child Okeford forty days under the yearly hiring, he gained no settlement there: but the Court held that it was not necessary that the whole of the forty days' residence should be under the yearly hiring; where services are united, if any part of the residence be under the yearly hiring, it is sufficient, provided the whole forty days are within the space of a year. 3 B. & Ad. 809. T. 1832.

1503. *R. v. Elmley Castle*. The pauper, at Michaelmas, hired himself for a year to one Bluck of Elmley Castle, but at the time of hiring, told his master that he was in the local militia, and expected he would be called out for fourteen days in the May following, and it was agreed that the master should in that case stop from his wages 1s. a day during his absence; he served accordingly, was absent fourteen days, and 14s. were accordingly stopped from his wages for the time he was absent: the Court held that he thereby gained a settlement; it could not be deemed an exceptive hiring, for the Local Militia Act (52 G. 3, c. 38, s. 65,) provides, that no service by a servant or apprentice in the local militia shall be deemed an absence from the master's service. 3 B. & Ad. 826. T. 1832.

1504. *R. v. Coningsby*. The pauper, Eliz. Flintham, hired with Mr. Gosling for a year, and went into the service; in some time afterwards, she was convicted of a wilful trespass on the property of a neighbour and fined, but instead of paying the fine, she, by the advice of her mistress, submitted to be imprisoned for a month, her mistress telling her to come back to her place as soon as she should be discharged; during the imprisonment, the mistress occasionally sent her provisions, and when it was completed, she was received back into the service, served the remainder of the year, and received her full year's wages: the Court held that, as the pauper was imprisoned with the consent of the mistress, was afterwards received back into the service before the expiration of the year, and paid the whole year's wages, this was a case of dispensation, and the pauper therefore gained a settlement by this hiring and service. 4 B. & Ad. 156. M. 1832.

1505. *R. v. Osset cum Gawthorpe*. The pauper, with the consent of his father, entered into a written agreement with J. and T. Walker of Leeds, to become their hired servant for five years, to do such work as belonged to the finishing of cloth, at the wages of 10s. a week for the first two years, 11s. for the third, 12s. for the fourth, and 13s. for the fifth, the hours of work to be from six o'clock in the morning until seven in the evening, to be paid for all over-time, and a deduction to be

made for all time short of it. It was contended that this was an exceptive hiring, and consequently that the pauper gained no settlement by it: but the Court (*Taunton, J. dis.*) held that it was not exceptive; the first part of it contracted for the whole of the pauper's time during the five years, and there was nothing in the latter part of it which showed that the master was not entitled to the pauper's work in his over hours upon paying for it. 4 B. & Ad. 216. M. 1832.

1506. *R. v. St. Helen's, Auckland.* The pauper agreed with Dixon and Co. to work as a pitman at their colliery in West Auckland, from the 4th Feb. 1815 to the 4th Feb. 1816, and that he would work constantly there during that time, or forfeit 1s. for every day he should absent himself, or not do a reasonable day's work to the satisfaction of his masters. It was argued, that as this latter stipulation gave the pauper an option not to work on any day during the year, upon paying 1s., this was an exceptive hiring, and the pauper therefore gained no settlement by serving under it: but the Court were of opinion that it gave him no such option, but was introduced merely by way of penalty for any breach of the agreement; and they therefore held, that the pauper gained a settlement in West Auckland, by serving for a year there under this agreement. 4 B. & Ad. 718. E. 1833.

1507. *R. v. Buckingham.* The pauper, on the 28th Feb. 1828, hired for a year with Mr. Smithson of Maidsmorton, as footman and groom, for £7 wages, and entered the service; in the May following, Mr. Smithson, who had an estate at Berbice, and wished to go and reside there, came to an agreement with the pauper that the latter should bind himself to serve him, on his plantations in Berbice, as overseer and clerk, for three years, at a salary named, besides his board, &c., to commence from the day of their landing in Berbice; the pauper accordingly accompanied Mr. S. to Berbice, served him there as overseer and clerk, but also at the same time lived in the house and acted as servant about the person of his master, and returned with him to England in May, 1829, when they went again to reside at Maidsmorton; before sailing for Berbice Mr. S. paid the pauper a quarter's wages under the first agreement, and on the 1st June, after their return from Berbice, upon the pauper being married, Mr. S. paid him 20*l.* as his salary up to that time; after that the pauper agreed to serve Mr. S. as a weekly servant, at the wages of 4*s.* a week and his board, &c., and continued with him until September, 1829, having been constantly in his service up to that time from the time he first entered it in Feb. 1828. It was contended, that the agreement in May, 1828, to serve in Berbice, in a different character, and at different wages, was virtually a dissolution of the contract in Feb. 1828, and that therefore the pauper gained no settlement by his first hiring and service there:

but the Court held, that as the agreement in May, 1828, was merely that he should bind himself to serve Mr. S. in Berbice, and as it did not appear that he ever did so bind himself, it was no dissolution of the former contract, and that the pauper therefore gained a settlement in Maidsorton. 5 B. & Ad. 593. H. 1834.

1508. *R. v. St. Mary at the Walls, Colchester.* In 1811 the pauper was a drummer in a regiment of local militia, and on the permanent staff, and was with the regiment when assembled for training from the 24th April to the 15th May; on the 16th May, the pauper being off the permanent staff, was hired for a year, as an in-door servant, by the colonel of the regiment, (who at the time was aware that he belonged to the regiment,) and he served him for the year, except that from the 4th to the 16th May, he was out with the regiment, but at the same time served the colonel as his servant; he then hired with the colonel again for another year, and served until November, when he was discharged. The Court held, that he gained a settlement by this hiring and service, as the master, at the time of hiring him, knew that he was in the local militia; that the case of *R. v. Elmley Castle* was in point. 5 B. & Ad. 1023. H. 1834.

1509. *R. v. Newtown.* The pauper, at the age of twenty-one, agreed by parol with one Williams, a master flannel manufacturer in Newtown, for three years, to learn the art of weaving flannel; he was to board and lodge himself, and was to be paid one half of his earnings, the other half to go to his master for teaching him the art of weaving; he remained with his master but six weeks, having in that time woven two pieces of flannel, when he left by consent; he then made a similar agreement with one Evans, another master flannel manufacturer at Newtown, he agreeing to go to Evans for twelve months to learn the art of weaving, and Evans engaging to take him and teach him the art of weaving, and to give him half his earnings, the pauper not to leave nor be turned away during the twelve months; he remained with Evans upon these terms during the twelve months, boarding and lodging himself, and residing in Newtown: It was argued, that as it was stated that the pauper could not leave or be turned off during the year, this was a case of hiring and service, and that the pauper therefore gained a settlement by it in Newtown; but the Court held, that it was an imperfect contract of apprenticeship only, and conferred no settlement. 1 Ad. & E. 238. E. 1834.

1510. *R. v. Ardington.* A few days after Old Michaelmas, 1823, the pauper, then about the age of sixteen years, was hired by his father to one Brown, a farmer at Little Hinton, as his shepherd, for 5*l.* wages, until Old Michaelmas following, and he served accordingly; he continued in the service, and

four or five days after Old Michaelmas, 1824, his wages were paid, and he was again hired at the same wages, until the Old Michaelmas following, which he also served: he still continued in the service, and a few days after Old Michaelmas, 1825, Brown, when he paid the pauper's wages, asked the father, if the son chose to go on with him, to which the father answered "yes;" the wages were to be the same, and the son served under this hiring until April, 1826. It was argued that this last hiring, being an indefinite hiring, must be deemed a hiring for a year, and if so a service under it might be coupled with the previous services, so as to constitute a good hiring and service, and to confer a settlement: but the Court held clearly, that the words used by the master at the time of the last hiring, did not import an indefinite hiring; and it would be difficult to say how he could have done better to avoid a yearly hiring. The Court therefore held, that the pauper gained no settlement in Little Hinton by these hirings and services. 1 *Ad. & E.* 260. *E.* 1834.

Settlement by Apprenticeship.

1511. *R. v. Countesthorpe.* A parish indenture, purporting to be made between the churchwardens and overseers of the parish of Dingley, in the county of Northampton, of the one part, and John March, of Countesthorpe, in the county of Leicester, of the other part, witnessed "that the said churchwardens and overseers of the poor of the said parish of Dingley, by and with the consent of two of his majesty's justices of the peace for the said county, dwelling in or near the said parish, have put and placed," &c.; and in the justices' consent in the margin, they described themselves as "justices of the peace for the county aforesaid." It was objected, that as there were two counties mentioned in the indenture, the words "county aforesaid," must be understood to refer to the county last named, which was Leicester; and then it would appear that the indenture was allowed by justices of the county of Leicester, instead of Northampton, and that it was therefore void. But the Court held, that as in the body of the indenture it was stated that the parish of Dingley was in the county of Northampton, and that the churchwardens and overseers of the poor of the said parish of Dingley, by and with the consent of two of his majesty's justices of the peace for the said county, &c., the words "said county" might fairly be deemed to mean the county in which Dingley was situate, so that it appeared from the indenture, that it was allowed by justices of the county of Northampton. 2 *B. & Ad.* 487. *T.* 1831.

1512. *R. v. Mills and another.* Upon showing cause against a rule for a mandamus to two justices, requiring them to consider and determine whether an indenture of a parish apprenticeship should be allowed, it appeared that an indenture for apprenticing a poor boy of Wolverston, a parish in Suffolk, to a ship-

owner of Wivenhoe, in Essex, was allowed by two justices of the county of Suffolk ; but upon being presented to the defendants, two justices of the county of Essex, they, after hearing objections by the overseers of Wivenhoe against it, refused to allow it, because the master might have an apprentice from among the poor boys of Wivenhoe, his own parish, and who would suit him better, as being used to the sea, which was not the case with the boys of Wolverston : the Court held, that the justices had a general discretion given them by stat. 56 G. 3, c. 139, s. 1, to consider the propriety of the binding, and as they had exercised it, the Court would not interfere. 2 B & Ad. 578. T. 1831.

1515. *R. v. Llangunnor*. The pauper's husband, when a boy, was bound as a parish apprentice to one Morgan, a tailor, who afterwards becoming poor, assigned him to one Elias, of Llangunnor, with the assent of two justices ; the assignment stating a consideration of 3*l.* 10*s.* as having been paid by Morgan to Elias, but which, in fact, had been paid by the overseers out of the parish money. Upon the trial of the appeal it was objected, that the assignment could not be received in evidence, as it was not stamped ; to which it was answered, that although the assignment stated this money to have been paid by Morgan, it was in fact advanced by the overseers, out of the parish money, in which case the assignment required no stamp, and evidence to that effect was tendered and received. The Court now held, that this evidence was properly received ; for although the assignment stated the money to have been paid by Morgan, it did not state whose money it was : evidence that it was the money of the parish was admissible. 2 B. & Ad. 616. T. 1831.

1514. *R. v. Ide*. The pauper in April, 1817, was duly bound by the overseers of Ide, as a parish apprentice, to one Badcock of Ide ; in May, Badcock, with the assent of two justices, assigned him to one Long of Hemrock, and paid Long 5*l.* as a premium, but the premium was not mentioned in the assignment, nor was there any stamp upon it until shortly before the appeal, when a 1*l.* stamp was affixed upon payment of a penalty. It was contended, that the assignment was void by the stat. 8 Ann. c. 9. § 35—39, because it did not state the premium, and was not stamped within the time there limited : but the Court held, that an assignment of an indenture was not within that statute ; the words in that statute, “ indenture or other writing,” could not be deemed to include an assignment, because that statute and the other stamp acts are holden not to apply to other instruments than those specifically designated by them, it being a general principle that all statutes which impose a charge upon the subject must be construed strictly. 2 B. & Ad. 866. M. 1831.

1515. *R. v. Gravesend*. By stat. 10 G. 2, c. 31, § 5, no waterman or waterman's widow shall take an apprentice, unless they are housekeepers, and by sect. 4, they shall not take or have more than two apprentices at one time; the pauper being in the service of one Twiss, a waterman, and it being desirable that he should be apprenticed, Twiss, who had already two apprentices, and therefore could not take him, had him bound to one Elizabeth Pearce, a waterman's widow, but who did not carry on the trade, nor was she a housekeeper; the pauper in fact served Twiss alone under the indenture, he paying Mrs. Pearce a sum quarterly for his services. The Court held that the pauper gained no settlement by this apprenticeship; the binding was clearly an evasion of the act of parliament, and therefore void. 3 B. & Ad. 240. H. 1832.

1516. *R. v. Linkinhorne*. The pauper was duly bound as a parish apprentice to one Gadgcombe, of St. Cleer, a farmer, and served him there for six years; Gadgcombe then failing in business, placed the pauper with one Little at Pinnock, for whom he worked nine months, but then being very ill and unable to work, he came back to his master Gadgcombe at St. Cleer; Gadgcombe, however, having no accommodation for him, agreed for a remuneration with the pauper's mother (who resided in the same parish) to keep him, and he lived with her there eight weeks, not doing or being able to do any service for his master. The question was, whether the settlement was gained in Pinnock or St. Cleer: the Court held that it was gained in the latter, as the pauper's residence with his mother, being at the instance of the master and paid for by him, was an inhabiting under and in pursuance of the contract of apprenticeship, and the same as if he resided with his master; and whether he worked for his master during the time, or not, was wholly immaterial. 3 B. & Ad. 413. E. 1832.

1517. *R. v. Baildon*. The pauper bound himself apprentice to a shoemaker for six years, with the consent of his mother, and for which purpose she was a party to the indenture; a premium of 4*l.* was paid with him out of the funds of a public charity, and this was the only consideration mentioned in the indenture; but the mother, before the binding, had agreed to give the master 1*l.* more of her own money, and paid it to him after the indenture was executed: the Court held, that the indenture was therefore void by the express words of the stat. 8 Ann. c. 9, § 39, as not stating truly the sum received or contracted to be paid, in relation to the apprentice; and this, although the stamp on the indenture was sufficient, if the consideration had been truly stated. 3 B. & Ad. 427. E. 1832.

1518. *R. v. Piddlehinton*. The pauper had been bound apprentice to one Fowle, who kept the indenture; Fowle failed in business, and an attorney got possession of his papers;

upon the trial of the appeal, in order to lay a foundation for secondary evidence of the indenture, Fowle being dead, a search for the original among his papers by the attorney, without success, was proved, but no inquiry had been made for it of Fowle's widow, who was still alive; the Court held this to be sufficient, as the widow was not executrix or administratrix to her husband. 3 B. & Ad. 460. E. 1832. For the other point in this case, see pl. 1548.

1519. *R. v. Aylesbury*. The pauper was bound apprentice by the trustees of a public charity, the master covenanting to find him in clothes, washing, &c.; but before the binding, the pauper's father (who was not a party to the indenture) promised the master to provide the pauper with clothes and washing, without which the master would not have taken him, and the father did provide him accordingly during a great portion of the term, but whether the trustees knew of this agreement or not, did not appear. The question was, whether the clothes and washing agreed to be furnished by the father, were a matter or thing given to or for the use of the master, within the meaning of stat. 55 G. 3, c. 184, sch. part 1, tit. *Apprenticeship*, for if so, the indenture was void for want of the stamp thereby required: the Court held that they were not; and even if they were, the agreement itself was void, as a fraud upon the trustees, who bound out the pauper on the faith that the master was to provide him with clothes and washing. 3 B. & Ad. 569. E. 1832.

1520. *R. v. Banbury*. The pauper was apprenticed to a corkcutter in Banbury, for seven years, and a premium of 21*l.* paid with him, the master covenanting to find him in meat, clothing, lodging, &c. during the term; after working with the master seven weeks, the pauper got a weakness in his eyes, which rendered him incapable of working, and the master sent him home to his father, who resided at Kingsutton, and was receiving parish relief there, the master agreeing to give him two gross of corks a week, of the value of 2*s.* per gross, to maintain him; he lived thus with his father about four years and until he was discharged from the indenture by the order of two justices, selling the corks he received from his master on his own account, working for any person who employed him, but doing no work whatever for his master: the Court held, that the settlement was thereby gained in Kingsutton and not in Banbury; the residence of the pauper at Kingsutton was sufficiently connected with the indenture for this purpose, as the master by the indenture was bound to teach the pauper and maintain him, and although he did not teach him at Kingsutton, he maintained him there. 3 B. & Ad. 706. T. 1832.

1521. *R. v. Halesworth*. In 1642, one Koble devised car-

take lands for the relief of the poor of Halesworth, half the revenue for the relief of widows, the other half for binding out apprentices, and the rents were received by the churchwardens, and kept separate from the money arising from the poor's rate; the pauper's father, settled at Halesworth, although residing at Norwich, applied to the churchwardens to enable him, out of this fund, to bind his son apprentice, being unable from poverty to do so himself, and they accordingly did so, paying 10*l.* premium, the costs of the indenture, clothes for the boy, &c.; the father, son and master were the only parties to the indenture.

In another case, it appeared that in 1718, John Smith devised lands to the churchwardens and overseers of Laxfield, to build a school, pay a schoolmaster, and educate twenty poor children, and 40*l.* out of the rents was yearly to be applied to apprenticing eight of these poor children, to be chosen by the churchwardens, overseer, and principal inhabitants; the pauper, in 1826, with the consent of his father and the churchwardens, bound himself apprentice to one Tilney of Halesworth for three years, and 15*l.* 15*s.* out of this fund was paid as a premium.

It was objected in these cases, that the premiums were paid out of public parochial funds, and therefore that the indentures, to be valid, ought to have been approved of by two justices, by stat. 56 G. 3, c. 139: but the Court held that the public parochial funds intended by that act, were either funds contributed by the parishioners generally, or funds applicable to the general purposes of the relief of the poor, and not funds contributed by individuals for a specific purpose, as in these cases. They therefore held these indentures not to be invalid on this ground. 3 B. & Ad. 717. T. 1832.

1522. *R. v. Spreyton*. The pauper being by order of two justices bound as a parish apprentice in husbandry to Lord C., who was then and has been ever since abroad, his steward assigned the indenture, with the approbation of two justices, to one Paddon of Spreyton, and gave 5*l.* as a premium with him; this assignment he signed "Lord C. by J. P. his steward," but he had no special authority from Lord C. to do this, nor any other authority but such as might be implied from his having on former occasions done so, and the expenses being allowed in account by Lord C., and also from his being agent generally to his lordship. The question was, whether the pauper gained a settlement at Spreyton by serving and residing there under this assignment. The Court, without deciding whether the binding was invalid on the ground of Lord C. being abroad at the time, held that the assignment was clearly bad; the master should exercise his discretion in making it, and it should therefore be executed either by himself, or by express authority from him. 3 B. & Ad. 818. T. 1834.

1523. *R. v. Threlkeld*. The pauper, a poor boy settled in Threlkeld, was by the order of two justices, bound by the overseers of that township, as a parish apprentice to one Foster of Keswick; Threlkeld and Keswick are distant about four miles, are townships, each supporting its own poor, and are in different parishes, but are within the same county, and under the jurisdiction of the same justices; and the same justices who signed the order, allowed the indentures; but no notice of the intended binding had been previously given to the overseers of Keswick. It was contended that such notice was necessary only where the binding was into a different county or jurisdiction of justices: but the Court held that by stat. 56 G. 3, c. 139, s. 2, it was requisite in all cases of a binding out of the township, &c., and by sect. 5. therefore no settlement was gained by service under the indenture. 4 B. & Ad. 229. M. 1832.

1524. *R. v. Leeds*. The pauper, being settled in Leeds, was bound apprentice to a shoemaker residing in Horton under a certificate from a Friendly Society; after the pauper had served him about four years, the master obtained a settlement in Horton, by renting a tenement, and the pauper served him there under the indenture more than forty days afterwards: the Court held that, construing the stat. 33 G. 3, c. 54, s. 25, as the analogous statute of 12 Ann. st. 1, c. 18, s. 2, he gained no settlement by this service under the indenture; the true meaning of both statutes is, that a binding to a certificate man, who has not at the time gained a settlement in the parish, shall not confer a settlement on the apprentice. 4 B. & Ad. 248. M. 1832.

1525. *R. v. Longnor*. The pauper, being desirous to be bound apprentice to one Robinson, a shoe-maker at Longnor, an attorney at some distance prepared the indenture for him, and affixed three seals to it as those of the pauper, his father, and the master; the indenture thus prepared was taken by the father to the son, and neither of them being able to write, they got a third person to write their names opposite to two of the seals, and the pauper then took it to the master, who also executed it: the Court held this to be a good execution of the indenture by the father and son. 4 B. & Ad. 647. E. 1833.

1526. *R. v. St. John Bedwardine*. The pauper, after he was twenty-one years of age, upon applying to the parish officers of Hanbury (where he was then settled,) for relief, was advised by them to learn some trade, and although they refused to bind him out, they said if he could find a master they would give him 4*l.*; the pauper accordingly bound himself apprentice to one Hatch, residing in St. John Bedwardine, without any approval by two justices, as required by stat. 56 G. 3, c. 139, s. 11, and the overseers gave him the 4*l.*, which he gave to his master; he inhabited more than forty days in St. John Bed-

wardine under this indenture. The Court held that this was not a case which required the approval of two justices to the binding, within the stat. 56 G. 3, c. 139, s. 11; that the statute related to the apprenticeship of poor children only, and here the pauper, being above the age of twenty-one at the time, was not a child within the meaning of the act, and therefore he gained a settlement by the apprenticeship. 5 B. & Ad. 169. T. 1833.

1527. *R. v. Banbury*. In 1801, the pauper was regularly apprenticed for seven years by the trustees of a charity in Charlbury, to one Hobbs of Witney, a tailor and breeches maker, and served him there about half a year; Hobbs then failing in business, and having no work for the pauper, he told the pauper that one Barry of Bloxham wanted hands, and he might go and work for him if he liked, and he promised that if he did not become troublesome to him or to the parish of Witney until the end of his time, he would give him his watch; the pauper accordingly went to Barry, agreed to work for him by the piece at the regular price, and worked for him during a year, in which time Barry often saw Hobbs, and carried messages from him to the pauper; the pauper then wishing to work for one Baker of Banbury, as he gave better wages than Barry, applied to Hobbs, who consented that he should do so, and the pauper accordingly agreed with Baker to work for him by the piece, and worked for him two years, residing in Banbury all the time, and then left him; during these last two years, Hobbs called at Baker's twice, saw the pauper, and expressed his pleasure at his getting on so well, and at the end of that time he sent the pauper his watch; the pauper during the time he was with Barry and Baker, received and maintained himself upon his earnings, no part of which went to Hobbs. The Court held that the services with both Barry and Baker were to be deemed services under the indenture; the indenture was not cancelled, nor intended so to be, and the original master gave the apprentice leave specifically to work at his trade with his second and third masters, the indenture being in force all the time. They therefore held that the pauper gained a settlement by his inhabiting in Banbury, during the time he worked for Baker. 5 B. & Ad. 176. T. 1833.

1528. *R. v. Preston*. In April, 1825, the pauper was bound apprentice to one Cousins of Monks Eleigh, for six years, no premium being paid, and no stamp being on the indenture, nor was it until July, 1832, that a stamp of 1*l.* was put upon it, upon payment of a penalty of 5*l.*, which was done at the expense of the appellant parish: the Court held that this indenture was properly received in evidence; as no premium was paid, it was not within stat. 8 Ann. c. 9, s. 37, 38, 39, which requires the indenture to be stamped within a limited time; and in all other cases, if the proper stamp be upon the

instrument at the time it is produced in evidence, the Court will not inquire at what time it was affixed. 5 R. & Ad. 1028. H. 1834. See *R. v. Church Hulme*, id. 1029, *in notis*.

1529. *R. v. Quainton*. The pauper, a poor boy of Quainton, was bound an apprentice to one Carter of Swanburne by the trustees of a charity, established under the will of Lady Say and Sale, for binding out poor boys of Quainton apprentices, and a premium of 20*l.* was paid with him; and on the day before the binding, the boy was furnished with a full suit of clothes by the overseers of Quainton out of the parochial funds, which would not all have been given, but in prospect of his being so bound, but no stipulation to that effect was made with the master: The Court held that the clothes were not an expense incurred by the public parochial funds, within the meaning of stat. 56 G. 3, c. 139, s. 11, so as to require the sanction or signature of two justices to the indentures; and Parke, J., said that the expense so incurred, must be such as to make it a case of binding by the parish officers directly or indirectly. 1 Ad. & E. 133. E. 1834.

1530. *R. v. Guinear*. The pauper's father in 1789 was bound as a parish apprentice to one Tredinnick, a farmer, until he should attain the age of 21; he served his master in the farming business for some years in the parish of St. Erth, but the latter becoming reduced in circumstances, he worked with him at the mines for some time, residing with him in the parish of Phillack, until upon some quarrel he left him, and went to his parents in the parish of Camborne; his father, who worked at the same mines with Tredinnick, took him there to work, and Tredinnick and the father agreed that the indenture should be given up upon payment of four guineas in three months; at the time stipulated, the money was paid, and the indenture delivered up to the father; from the time of the agreement until the indenture was delivered up, and from that time until the apprenticeship expired, the son continued to work with the father at the mines, and to reside at Camborne, the father receiving his wages. The question was, whether, by the agreement, the relation of master and apprentice was not altogether dissolved, and if so the settlement was not in Camborne, but in Phillack: but the Court held that whether the agreement and giving up of the indenture amounted to a dissolution of the contract of apprenticeship or not, it was not at all events dissolved until the money was paid; and before that time the apprentice had gained a settlement in Camborne, by a residence there of forty days under the indenture, working for his father by the permission of the master. 1 Ad. & E. 152. E. 1834.

Settlement by renting a Tenement.

1531. *R. v. Pickering*. In April, 1826, after the passing

of the 6 G. 4, c. 57, the pauper took a house and twenty-seven acres of land, at the annual rent of 20*l.*, which he occupied for a year, and paid the year's rent; five acres of the land was within the parish of Pickering, and the house and the remaining twenty-two acres in the township of Newton, and he resided in the house during the whole year. Upon the trial of an appeal against an order of removal of the pauper from Pickering to Newton, the respondents offered to prove that the annual value of the house, and so much of the land as was in Newton, exceeded 10*l.*; but the sessions refused to receive the evidence, and quashed the order, subject to a case. It was now contended that such evidence was properly rejected, for by stat. 6 G. 4, c. 57, the annual value of the tenement is no longer to be proved: but the Court held that this had reference to the annual value of the whole tenement, and did not prevent the sessions from inquiring and receiving evidence as to how much of the tenement was in one parish, how much in another; if it were otherwise, a man who paid 400*l.* a-year for his land, could not gain a settlement by it, if one acre of it was in another parish. 2 B. & Ad. 267. E. 1831.

1532. *R. v. Huntsam.* The pauper, on the 1st April, 1818, took of one Hewitt a field for potatoes, in the parish of Burlescombe, at the rent of 12*l.*, and Hewitt was to plough it three times, and put a certain quantity of lime and manure upon it; the pauper took possession of it and worked upon it after it had been ploughed once, but Hewitt afterwards completed the ploughing and manuring; and the pauper had his crop of potatoes and paid his rent; with the ploughing and manuring the field was worth the 12*l.* for the year, but without them it was not of the annual value of 10*l.* It was objected, that as the field was not ploughed and manured, and therefore not of the annual value of 10*l.* at the time the pauper entered upon it, he gained no settlement under stat. 13 & 14 C. 2, c. 12; but the Court held that he did, and that there was no distinction between this case and *R. v. Poulton with Fearnhead*, 6 M. & S. 252. 2 B. & Ad. 503. T. 1831.

1533. *R. v. Helsham.* The pauper, on the 1st November, 1813, came to reside in a house in Sculcoates, of more than the yearly value of 10*l.*, under an agreement with the landlord that he should be at liberty to occupy it one month on trial for nothing, and that at Martinmas, if he liked it, he should take it at the yearly rent of 14*l.*; he lived in it accordingly upon trial, and at Martinmas took it at the above rent, and without any interruption in the residence continued to live in it for a month following, and then quitted: the Court held that he thereby gained a settlement; there was nothing in stat. 13 & 14 C. 2, c. 12, which imported that when the party comes to reside in a tenement, he must then have the intent permanently to reside there or to reside there for forty

days ; it is sufficient if he actually do reside in it for that time. 2 B. & Ad. 620. T. 1831.

1534. *R. v. Macclesfield.* The pauper, a silk-weaver, in September, 1826, took a house in Macclesfield, at a rent of 2s. 6d. per week ; it was one of two houses under the same roof, and belonging to the same person, separated on the ground-floor by a passage, each having a first-floor over that, and the pauper's house having also a garret which extended over the first-floors of both houses, but in other respects there was no internal communication between the houses ; after residing and occupying this house about six months, he also took the other house adjoining, at a rent of 4s. a week for both, furnished it, and put into it first his step-son, and afterwards a journeyman who worked for him, who paid him 1s. 6d. a week for it ; he afterwards took both houses by the year, at the same rent of 4s. a week, and occupied them as above-mentioned for two years, paying his rent sometimes by the week, sometimes by the month, as it was convenient to him : The Court held that he thereby gained a settlement ; that the two houses formed but one building, and were therefore such a distinct building as satisfied the words of stat. 6 G. 4, c. 57 ; and Parke, J., intimated an opinion that even if they were distinct buildings, the renting of them would have conferred a settlement within the meaning of this act. 2 B. & Ad. 870. M. 1831.

1535. *R. v. Dursley.* The pauper, who was settled at Dursley, at Lady-day, 1829, took a house in St. George's parish, Hanover Square, at the yearly rent of 36l., and resided in it until August, 1830, having at different times paid sums amounting to 29l. on account of the rent ; on the 24th December, 1830, he was removed to Dursley. The only question was, whether the 2d section of stat. 1 W. 4, c. 18, which passed on the 30th March, 1831, had a retrospective effect, so as to apply to this case ; if so, a settlement had been gained, though less than a year's rent had been paid : and the Court held, that it had a retrospective effect ; the 1st section related to settlements thereafter to be acquired, the 2d to settlements acquired under stat. 6 G. 4, c. 57. 3 B. & Ad. 465. E. 1832.

1536. *R. v. Ormesby.* In 1827 the pauper took a house and land in Kirby, for a year, at the rent of 11l. 10s., and he was to enter on the land at Lady-day, and quit it on the Lady-day following, and he was to enter on the house at May-day, and quit it on the May-day following ; he accordingly entered and quitted the premises at the respective times agreed upon, and paid the year's rent : it was objected, that he had not occupied the whole of the premises together during a whole year, but merely from May-day, 1827, to Lady-day, 1828 ; but the Court held, that as he held the house for a year and the

land for a year under the same hiring and at a joint rent, it sufficiently satisfied the words of stat. 6 G. 4, c. 57. 4 B. & Ad. 214. M. 1832.

1537. *R. v. Tadcaster.* In November, 1827, the pauper's husband took a dwelling-house in Leeds, at the annual rent of 6*l.* 10*s.*, and occupied it until September, 1830; in May, 1828, he also took from another person a building used as a shed, totally unconnected with the dwelling-house, at the yearly rent of 5*l.*, which he occupied for the purposes of his business as a bricklayer until September, 1830. It was contended, that he thereby gained no settlement, for the words of stat. 6 G. 4, c. 57, import that there must be only one tenement taken at one time; but, at all events, as that act requires that the tenement shall consist of a dwelling-house or building, or of land, or of both, it extends only to a dwelling-house and land, or a building and land, but not to a dwelling-house and building: but the Court held, that the pauper's husband gained a settlement by renting these two tenements; under the stat. 13 & 14 C. 2, c. 12, the tenement might consist of several parts, not contiguous to each other, and hired at different times, and there was nothing in stat. 59 G. 3, c. 50, or 6 G. 4, c. 57, to oblige the Court to give a different construction to them in this respect; and that the collocation of the words "or both" in the sentence, ought not to prevent the acquisition of a settlement by the occupation of any two of the three things mentioned in the statute; and Littledale, J. added, that he thought a settlement might be acquired by a renting and occupancy of all three. 4 B. & Ad. 703. E. 1833.

1538. *R. v. Ruthin.* The pauper in 1829, took a farm at a yearly rent of 24*l.*, and he was to enter on the land on the 30th November, and on the house and outbuildings on the 1st May following; the rent was made payable half-yearly, on the 25th March and 29th September, but by the custom of the country the first half-year's rent was never demanded until the 30th November, and the second until the 1st May; the pauper occupied the land until the 30th November, 1830, and the house and outbuildings until the 1st May, 1831; however, in August, 1830, the landlord demanded the half-year's rent, and the pauper sent his wife with an excuse, but the landlord insisting upon it, one Shaw, with the consent of the wife, paid it, and had not been repaid at the time of the trial of the appeal. It was contended, that as the year's tenancy had not expired when the stat. 1 W. 4, c. 18, came into operation, the 1st section of that statute which requires 10*l.* of the rent for the tenement to be paid "by the party hiring the same," would prevent the settlement, as the rent had never been paid by the pauper. But the Court held, that although the 2d section of stat. 1 W. 4, c. 18, was retrospective, yet the 1st was prospective only, and did not apply to this case; then as the

6 G. 4, c. 57, which was then in force, required merely that the rent should be paid, without saying by whom, the pauper had in this case gained a settlement. 5 B. & Ad. 215. T. 1833.

1539. *R. v. St. Nicholas, Rochester.* The pauper, on the 3d October, 1831, took a house in the parish of St. Nicholas for a year, at the rent of 40*l.*, which he occupied until the 3d October following, and paid half a year's rent; but on the 4th January, 1832, he underlet the two upper floors to a tenant, reserving for himself the ground floor merely, and the tenant occupied the upper floors more than half a year: the Court held, that he gained no settlement; the stat. 1 W. 4, c. 18, which was in force at the time, requires that the whole of the tenement should be actually occupied by the person hiring the same, which was not the case in this instance. 5 B. & Ad. 219. T. 1833.

1540. *R. v. St. Mary, Newington.* The pauper's father, a clergyman, in pursuance of a previous agreement with the rector of St. Nicolas Cole Abbey, Old Fish Street, London, was on the 2d February, 1819, appointed and licensed as curate of that parish, with a stipend of 80*l.* a year, and the rectory-house (which was of more than the annual value of 10*l.*) to reside in, free of rent, taxes, &c.; and he resided there and performed the duties of his office until his death in 1829: the Court held, that as he had resided in the house more than forty days before the passing of stat. 59 G. 3, c. 50, he thereby gained a settlement; he came to occupy it, as having an interest of his own, and not as servant of another. 5 B. & Ad. 540. M. 1833.

1541. *R. v. Great Wakering.* In February, 1827, a Mrs. Somers made a lease of three cottages and one acre of land in Great Wakering to the pauper and one John Clay, at the yearly rent of 16*l.*, which lease contained a joint covenant by them to lay out 30*l.* on the premises, and to pay rates, taxes, &c., but no covenant to pay rent; the pauper alone occupied and paid the rent, &c. for five years, Clay never coming near the premises, and on the trial of the appeal, the sessions received the parol evidence of the attorney who prepared the lease, that Clay was included in the lease merely as a surety and to make him liable as such for the rent, &c.; the pauper was alone rated for the premises and paid the rates. It was contended, that the evidence of the attorney was rightly received, because it was not upon any matter in litigation between the parties to the lease, but third parties; and from that evidence it appeared that the letting was in fact to the pauper only, (Clay being only a surety,) and the occupation and payment of rent was by the pauper only, and therefore he gained a settlement; but supposing he occupied a moiety only in his own right, from the facts stated it might fairly be inferred that he occupied the other moiety as undertenant to Clay, in which

case he would acquire a settlement; and at all events as he was separately rated for the premises and paid the rate, he thereby gained a settlement: Pateason, J. was inclined to think that the evidence of the attorney was properly received; but the whole Court held that, supposing the evidence properly received, still as the lease was to the pauper and Clay as joint-tenants, each in law was tenant of a moiety only, and the rent of that being but 8*l.*, no settlement could be gained by it; there might perhaps be a ground for presuming that the pauper held and occupied the other moiety as undertenant to Clay, but as the sessions had not found that as a fact, the Court could not presume it; and as to being rated and paying rates for the premises, he must occupy a tenement in his own right, at a rent of 10*l.* a year at least, to gain a settlement by paying rates for it, within stat. 6 G. 4, c. 57, which was not the case in this instance; the Court held therefore that he gained no settlement in Waking. 5 B. & Ad. 971. H. 1834.

1542. *R. v. Banbury.* One Cawley let a house in the parish of Banbury to one Ward, and Ward underlet it from year to year to Francis Taylor, the pauper's husband, at the yearly rent of 20*l.* the tenancy to commence at Old Lady-day, 1831; Taylor occupied under this tenancy until Old Michaelmas, 1831, and paid 10*l.*, his half-year's rent, to Ward; but it was then agreed between the parties, that Ward's tenancy should terminate, and that Taylor should hold the premises under Cawley at the same yearly rent of 20*l.*; and Taylor continued to occupy until Old Lady-day, 1832, when he went to America without paying the half-year's rent then due, which however was afterwards paid by one Abbott from the sale of some of the goods in the house, in order to prevent a distress, but without authority from Taylor. It was contended that here was an occupation for a whole year of the same tenement, and a payment of rent for the same to the amount of 10*l.* sufficient to satisfy the words of stat. 1 W. 4, c. 18, and that therefore Taylor thereby gained a settlement; but the Court held that, as there was a surrender in law by Taylor to Cawley, at the end of the first half year, and only an occupation for half a year afterwards, there was not an occupation for one whole year under the same yearly hiring, as was required by the statute, and that therefore no settlement was gained by it. 1 Ad. & E. 136. E. 1834.

1543. *R. v. Gosforth.* The father of the pauper, in 1823, hired a dwelling-house in Whitehaven, from one Falcon, at the yearly rent and of the yearly value of 8*l.*, and a stable in the same place, but at a distance of 200 yards from the house, of one Grayson, at the yearly rent and of the yearly value of 6*l.* 6*s.*; he held and occupied both, and dwelt in the house for one whole year, and paid the year's rent for them: the Court held that he thereby gained a settlement, within the meaning of stat. 59 G. 3, c. 50. 1 Ad. & E. 226. E. 1834.

1544. *R. v. Iver*. The pauper's father rented a house at 6*l.* a year, and a piece of land at 1*l.* a year, at Iver, from a Mr. Franklin; in January, 1830, he proposed to rent on the same terms, the house next to his, and under the same roof, instead of the one he occupied; and Franklin consented, if he could find a tenant for the latter house; the pauper's father proposed his son, but Franklin refused him as tenant; he then proposed to take it himself, and having become the tenant of it, he put the son and his family into it, who resided in it until Michaelmas, 1831; the father paid the rent of both houses and the land, (13*l. per ann.*) until Michaelmas, 1831, but the father and son were separately rated, and paid the poor rates for the houses they respectively occupied: it was objected that the father gained no settlement under stat. 6 G. 4, c. 57, by renting these two houses, one of which was not occupied by him, but by another person exclusively; but the Court, after a consideration of that statute, and of the 59 G. 3, c. 50, held that the renting of these two houses did confer a settlement under 6 G. 4, c. 57. 1 *Ad. & E.* 228. *H.* 1834.

1545. *R. v. Wootton*. The pauper, in 1800, rented a cottage in Wootton at 8*l.* a year, and resided in it with his family until February, 1832; in April, 1827, he took another cottage in a different part of Wootton from the same landlord, at 5*l.* a year, and underlet it to his son-in-law, who resided in it three years, paying the rent to the pauper, and the pauper paying the rent for both cottages to the landlord: the Court held that he thereby gained a settlement, that although stat. 6 G. 4, c. 57, required the tenement to consist of "a separate and distinct dwelling-house or building, or of land, or of both," yet these terms were merely descriptive of the nature of the tenement intended, and a settlement might be gained as well by renting any two or more of these descriptions of tenement, as by renting one distinct and separate tenement of either kind. 1 *Ad. & E.* 232. *E.* 1834.

1546. *R. v. St. Nicholas, Colchester*. The pauper agreed to take a messuage, comprising two tenements, in the parish of St. Nicholas, for two years, at the yearly rent of 60*l.*, payable quarterly, and possession was delivered to him on the 25th of March, 1831; he occupied for one year, but during that time underlet three of the rooms to one person for three weeks, and the front shop to another for a week. At the end of the first half year, the pauper not having paid his rent, the landlord distrained for it, and levied the amount by sale of his goods; and at the end of the second half year, upon the pauper's giving up possession, one Hutchinson, who had joined the pauper in the agreement with the landlord, as his surety merely, took upon himself exclusively the payment of the rent then due. It was objected first, that there had been no sufficient payment of rent by the pauper, within the meaning of stat. 1

W. 4, c. 18, s. 1; and secondly, that the pauper had not such an occupation of the premises as would confer a settlement. Upon the first point, the Court gave no opinion, but upon the second, they held that the words "actually occupied," in the stat. 1 W. 4, c. 18, s. 1, were not satisfied by an actual occupation of part, and underletting the remainder for any portion of the year, and therefore that no settlement was gained; the case of *R. v. St. Nicholas, Rochester*, ante, p. 242, was in point. It had been objected also that this case did not fall within stat. 1 W. 4, c. 18, s. 1, as that statute did not come into operation until the 30th of March, 1831, and the tenancy here commenced on the 25th of March; but the Court held that the statute embraced all such cases, where the settlement was not completed before it took effect. *Ad. & E. MS. H. 1835.*

Settlement by Estate.

1547. *R. v. Cassington.* The pauper's father, Robert Whitley, about the year 1770, being then settled in Cassington, went from thence with a certificate to Handborough, and resided there in part of a copyhold house, belonging to his father, Thomas Whitley; Thomas afterwards devised this house to another son, John, but by his will, after bequeathing 5*l.* to Robert, he stated that his desire was, that Robert should live in that part of the house he then occupied, at the same yearly rent he then paid, as long as his son John should enjoy or own the same; and Robert occupied accordingly, for more than forty days after his father's death: the Court held that the will gave Robert an estate in the house for the life of John, defeasible only on John's ceasing to enjoy or own it; that this discharged the certificate, and that Robert consequently gained a settlement in Handborough, by residing in the house for forty days after the death of his father. 2 B. & Ad. 874. M. 1831.

1548. *R. v. Piddlehinton.* For a consideration of 40*l.*, a cottage was demised to the pauper's father, for the term of sixty years; and he afterwards, being indebted to his son, the pauper, in the sum of 24*l.*, by a verbal agreement, for this and for natural love and affection, he put the pauper in possession of, and receipt of the rent for, this cottage, who received it for three years, (namely, 3*l.* for the first year, and 5*l.* for the two next years), when the father and son joined in a conveyance of it to a purchaser for 25*l.*, which was paid to the pauper. The Court held that the pauper did not thereby gain a settlement: there was no conveyance from the father to the son, and as he could not ground an equitable interest on natural love and affection, such interest (if he had any) must have rested upon the pecuniary consideration, and that was under 30*l.* 3 B. & Ad. 460. E. 1832. For the other point in this case, see pl. 1518.

1549. *R. v. North Cerney.* After the passing of stat. 59 G. 3, c. 50, a widow took a house in Winchcomb, at the

yearly rent of 3*l.* ; after she had resided in it about three years, the pauper (who was then settled in North Cerney) married her, and lived with her in the house for three or four years ; and the question was, whether he thereby gained a settlement in Winchcomb : the Court held that he did ; by his marriage he acquired an estate in the term, and by residing forty days upon it gained a settlement. 3 B. & Ad. 463. E. 1832.

1550. *R. v. Hatfield Broad oak.* The pauper had gained a settlement by hiring and service in Hatfield Broad oak ; afterwards his father, who was in possession of copyhold premises of inheritance in the parish of Takeley, to which he had been admitted on the death of his father, verbally agreed to give them up to the pauper, if he would pay 15*l.*, which he (the pauper's father) had borrowed on them, and allow him and his wife to reside upon them rent free during their lives ; the pauper accordingly paid the 15*l.*, was admitted to the copyhold upon the surrender of the father, (the admittance stating the verbal agreement,) and the father and mother continued to reside on the premises, the father until his death, the mother until the time of the pauper's removal ; the pauper also resided on the premises for eighteen years after the surrender, but was not residing there at the time of his removal. The Court held that the pauper thereby gained a settlement ; it was not the case of a purchase under 30*l.* within the stat. 9 G. 1, c. 7, for, from the terms of the agreement and admittance, and from the state of the family at the time, it was evident that natural love and affection formed part of the consideration. 3 B. & Ad. 566. E. 1832.

1551. *R. v. Sherrington.* John Bailey, the father of Mary Bailey, the pauper, had also another daughter, Catherine, to whom two freehold cottages in Olney were devised when she was about sixteen years of age ; the father, conceiving himself to be guardian to his daughter, went to live in one of the cottages, and resided in it five or six years, and the other he let to a tenant. It was contended that the father, as guardian of his daughter Catherine, gained a settlement by forty days' residence on her property : but the Court held, that to gain a settlement as guardian, the party must be either guardian in socage, or a guardian appointed by a parent in pursuance of stat. 12 C. 2, c. 24, s. 8, for none other has interest in the lands ; and in this case he was not guardian in socage, because the lands did not come by descent, and the child was above fourteen years of age at the time ; nor was he a guardian appointed under the statute ; he was merely natural guardian, and as such had merely the custody of the person, but no interest in the property, of his child. 3 B. & Ad. 714. T. 1832.

1552. *E. v. Pensax.* One Yarnold about thirty years since inclosed an acre of the waste in Pensax, and built a cottage upon

it, being furnished by the overseers with materials for that purpose; the pauper's husband, John Radford, the illegitimate son of Yarnold's wife, then lived with him, and in about fourteen years afterwards, upon the marriage of Radford with the pauper, Yarnold verbally gave him part of the land, on which he built a cottage, and resided in it; shortly afterwards Radford inclosed an additional piece of land from the waste, and threw down the fence which divided it from his other land; the commoners, who every seven years were used to break down the fences of incroachments on the waste, twice broke down the fence which separated this last incroachment of Radford from the waste, but never entered upon that part which Yarnold had given him. The Court held, that Radford gained a settlement by this estate; they said they could not distinguish this case from *R. v. Wootburn*, 10 B. & C. 846. 3 B. & Ad. 815. T. 1832.

1553. *R. v. Cheadle*. One James was seised in fee of a house and some land in Cheadle, upon which he lived with his wife and five children, sons and daughters, and died in 1807; in his life-time it was verbally agreed by all the members of the family, that a portion of the land should be allotted to each of the younger children, that they might build houses upon them, and accordingly in 1808, upon the marriage of one of the daughters with the pauper, a portion of the land was allotted to the pauper, and he built a house upon it; the eldest son then conveyed it to him, the conveyance purporting to be for a money consideration of two guineas, and which was about the value of the piece of land, but which was in fact never paid nor intended to be paid, but the land was really allotted to the pauper in pursuance of the verbal agreement above-mentioned; the pauper lived in his house sixteen years, then sold it for £60, and the purchaser resided in it up to the time of the removal in 1831. The question was, whether the parties were not estopped by the deed from saying that this was not really a purchase for a sum under £30, and if so the settlement of course could not be proved. The Court held, that however this might be as between the parties to the deed, the parish officers were clearly not estopped by it; and they therefore affirmed the order of sessions, who had received evidence of, and decided upon the real facts of the case. 3 B. & Ad. 833. T. 1832.

1554. *R. v. Lydlinch*. The lord of a manor granted a lease of a copyhold house and garden to John Tucker, for the lives of himself, his wife and daughter, at the yearly rent of 1s., in consideration of the grandfather and granduncle of Tucker surrendering certain leases of the premises, and of Tucker undertaking to rebuild the house, and also in consideration of 1s. paid to the lessor: the Court held, that this was not a purchase within stat. 9 G. 1. c. 7; to come within that statute the consideration must consist wholly of money, whereas in this case it might fairly be inferred from the relationship of the parties that natural love and

affection formed an ingredient in the consideration, the whole being evidently a family arrangement, and the lord merely the medium by which it was effected; they held, therefore, that Tucker gained a settlement by residing upon it. 4 B. & Ad. 150. M. 1832.

1555. *R. v. Great Glenn.* The pauper's husband, who was settled in the parish of Great Glenn, took a house in the parish of Leir, as tenant from year to year, at the yearly rent of £3, and resided there with the pauper from April, 1827, until the 14th of May, 1831, when he died; she resided in the house afterwards, and was relieved by the parish of Great Glenn; but on the 2d June she told the landlord she wished to pay the rent weekly, to which he assented, and she paid him 1s. 2d. per week from that time until the 5th March following, when she quitted in consequence of having received a week's notice to quit; in the August after her husband's death, the attorney for the parish of Great Glenn called upon the pauper, and offered to take out letters of administration for her to her husband, and did take them out afterwards, and it was stated in the case that this was done fraudulently, and at the expense of the parish of Great Glenn, for the purpose of settling the pauper in the parish of Leir; she resided in the house more than forty days after the letters of administration were taken out. The Court held, that as to the fraud found, as the sessions had stated the grounds upon which they found it, they could examine and see whether they warranted the finding; and on considering the facts stated, they did not think they amounted to that species of fraud which would prevent the estate of the intestate vesting in the pauper as administratrix, as she was bound by law to take out letters of administration, and consented to their being taken out: and if she resided forty days in Leir, whilst the term which was the property of the intestate vested in her, she thereby gained a settlement. But as there were some grounds for presuming that, after administration and before she had so resided forty days, she had become a weekly instead of a yearly tenant, and so relinquished the estate of the intestate, the Court sent the case back to the sessions, that they might determine that fact. 5 B. & Ad. 188. T. 1833.

1556. *R. v. Matlock.* The pauper about the year 1814, being the tenant of a cottage on the waste in Wirksworth, under the Duchy of Lancaster, at a trifling rent, and in which he resided, purchased it for the sum of £5:2s. 6d., and it was conveyed to him; in 1827 he sold it to one Wilson for £40, who at the same time made a lease of it to the pauper and his wife, for their joint lives, at the yearly rent of 40s; the pauper continued to reside in it until Christmas, 1831, when a year's rent being due, and he not being able to pay it, Wilson entered upon the cottage and took possession of it, but a lodger as well as the pauper's furniture were allowed to remain in it; there did not

appear to have been any power of re-entry in the lease, for non-payment of rent, but the pauper, at the instance of Wilson and the overseers of Wirksworth, gave up the lease to be destroyed, and it was destroyed accordingly; the pauper and his wife then went into the workhouse, and after remaining there about a fortnight, they were removed by order to Matlock, their real place of settlement. The Court held, that as it did not appear that Wilson had any right to re-enter, and as it did not appear that the wife assented (and she could not assent) to the destruction of the lease, the freehold interest of the pauper and his wife still subsisted, and they could not be removed from the township where it was situate, even although they were chargeable there. 1 *Ad.* & *E.* 124. *E.* 1834.

1557. *R. v. Thruscross.* The pauper's grandfather was devisee of a copyhold estate, and upon the death of the deviser, in 1780, took possession of it, but did not get himself admitted tenant until 1790; in 1789 his son, the pauper's father, married, and ceased to live with him; and the question was, whether the grandfather gained a settlement before admittance, so as to confer it on his son before his emancipation: Lord Denman, C. J., Littledale and Patteson, J.J., held, that the grandfather had gained a settlement before admittance, as having enjoyed, and having a right to enjoy the copyhold, without being removed by the parish officers, more than forty days; Parke, J. was of a different opinion. 1 *Ad.* & *E.* 126. *E.* 1834.

Settlement by serving Office.

1558. *R. v. Clixby.* In 1825 one Harman, the proprietor of the greater part of the lands in Clixby, and two other occupiers of land there, (the parish comprising nine occupiers in all,) directed the pauper to go before two justices and get himself sworn in as pinder, which he did, and acted as such during the year; in 1826 he was again sworn in, and acted for several years, until he was removed; before 1825 no pinder had been appointed in the parish: the Court held, that the pauper did not gain a settlement by serving this office; it did not appear to be an annual office in the parish, and the appointment was by persons who had no legal authority to make it. 4 *B.* & *Ad.* 153. *M.* 1832.

1559. *R. v. Woodbridge.* The pauper in 1820 was duly appointed, by the bailiffs at Ipswich, crane-porter at the common quay in that town, which was a public annual office, and he served the office for a year; the duties of the office were performed in the parish of St. Mary, but the pauper resided all the time in the parish of St. Matthew in the same town: the Court held, that he gained no settlement by serving the office, the words of stat. 3 W. & M. c. 11, s. 6, being sufficiently explicit to show that such a settlement can be gained only by serving an office in the parish in which the party resides. 4 *B.* & *Ad.* 711. *E.* 1833.

1560. *R. v. St. George, Hanover Square.* In 1828 the Vestry of the parish of St. George, Hanover Square, appointed Catherine Seaman, the pauper, organist of St. Mark's Chapel in North Audley Street, at a salary of £60 a year, and the appointment was regularly entered among the minutes of the Vestry; in 1832 they dismissed her for inefficiency. The question was, whether she had gained a settlement by serving this office: the Court held, that she had not; this was an office created by the parties who made the appointment, which they might put an end to at pleasure, and did not come within the meaning of stat. 3 W. & M. c. 11. s. 6. 5 B. & Ad. 571. M. 1833.

Settlement by payment of Taxes.

1561. *R. v. Penryn.* A house was divided into five, which, in 1815, were let to the pauper and four others respectively; but it was agreed between the landlord and the pauper that the latter should be rated for and pay the rates and taxes for the whole, and he was to stop it out of his rent; the pauper's rent was under £10, but the rent and value of the whole was £16, and the pauper was rated for the whole, and paid the rate: this being before the stat. 6 G. 4. c. 57. the Court held that he thereby gained a settlement. 4 B. & Ad. 224. M. 1832. See *R. v. Great Waking, ante*, p. 242.

RATE.

What Property rateable, and how.

1562. *R. v. The Ayre & Calder Navigation.* This Company, established by Act of Parliament for rendering navigable the rivers Ayre and Calder, were formerly rated in the township of Brotherton upon their profits, in proportion to the length of their navigation passing through that township, against which rate they appealed, and this Court decided that they were not liable, as they had no property in the bed of the river, and had but a mere easement in it; they had two dams (their property) across the river, which raised the water of it so as to make it navigable for about half a mile above, and they had a cut or canal and locks to lower the boats into the river below; one-half of one of these dams, and the cut or canal and locks, being in Brotherton, that township again rated the Company, not only for their cut or canal and locks, but also for so much of their dams as were within the township, on the ground that the dams alone rendered the river navigable, and were the cause of any profit being derived from the navigation within the township. It was admitted that the Company were rateable for the cut or canal and locks: but the Court held that they were not rateable for the dam; rating the dam was equivalent to rating the water kept up by it, which was already holden not to be the subject of a rate; and the Court treated it as an attempt to evade their former decision. 3 B. & Ad. 139. H. 1832.

1563. *R. v. Brettell & another.* The defendants were owners

and occupiers of land, under which were strata of a peculiar species of clay used in making glass-house pots and fire-bricks; these strata, which lay at the depth of forty or fifty yards beneath the surface, were worked by them by means of shafts sunk, headways driven, steam-engines, &c. in the same manner precisely as in mines of coal or metal: being rated to the poor for these mines or pits, the defendants appealed, and the rate was confirmed subject to a case; but the Court, on the authority of *R. v. Sedgley* (2 B. & Ad. 65), held these to be mines, and therefore not rateable under stat. 43 Eliz. c. 2. s. 1. 3 B. & Ad. 424. E. 1832.

1564. *R. v. Aire & Calder Navigation.* The Aire and Calder Navigation Company and one Atkinson were the proprietors and occupiers of mills on the river Aire in the township of Hunslet; these mills being formerly injured by the navigation, the proprietors or occupiers were enabled by Act of Parliament to take a toll of 1s. for every vessel, &c. passing up or down the river, to be collected at the lock nearest to the mills, as compensation for the injury, but which lock was not in Hunslet; the proprietors being now rated for the mills and these tolls, appealed: the Court held that they were not rateable for the tolls; for these, as tolls, even if they were collected in Hunslet, they could not be rated; and they could not be rated for them as a profit arising from the mills, for they might let the mills and reserve to themselves the tolls. 3 B. & Ad. 533. E. 1832.

1565. *R. v. St. Giles, York.* The Lunatic Asylum at York was built and the ground for it purchased by private subscription, and the property vested in trustees; at first it was intended for poor patients admitted from charity merely, but the funds being insufficient, they afterwards admitted patients who paid them at different rates, varying from six shillings to three guineas a week; by these means not only the salaries of officers and servants and the other expenses of the establishment were defrayed, but a fund had accumulated, which, however, was applicable only to the purposes of the establishment, neither the trustees nor subscribers, &c. deriving any profit whatever from it. The trustees being rated to the poor for this Asylum, appealed, on the ground that the Asylum was not rateable by law, and, even if rateable, that the trustees were not the proper persons to be assessed. But the Court held, that as profit was actually made by the reception of patients who could pay, the Asylum was liable to be rated for it, and that the application of the profit, when made, was immaterial to the question of rateability; also that the trustees, being in law the owners of the Asylum, were properly rated; no other persons could be rated, certainly not the unhappy patients, and as to the servants, they were not the occupiers. 3 B. & Ad. 573. E. 1832.

1566. *R. v. Adams.* Upon the trial of an appeal against a rate, the sessions adjourned it in order that there might be a valuation of the lands in the parish; the defendant's lands, being situate in a level, were subject to a drainage or sewer's rate, to which other lands in the parish were not, and the valuers put the same value upon all, making no allowance for this sewer's rate; the sessions confirmed the valuation, subject to the opinion of the Court as to whether such allowance should be made. It was now contended that such allowance ought not to be made, because the sewer's rate was a tax on the landlord and not on the occupier, and therefore the latter was not entitled to any allowance for it; but the Court held that it should have been deducted; it was true that it was a charge on the landlord, but so was the poor-rate in effect, for if the tenant had not to pay it, the landlord would get a higher rent for his land. 4 *B. & Ad.* 61. *M.* 1832.

1567. *R. v. Tremayne.* The defendant was rated to the poor for certain manganese dues, namely, for £1 : 15s. per ton for all manganese raised from the soil of certain of his lands, which he received from a company to whom his father had given a license for twenty-one years to dig, mine, and search for the same, and for that purpose to sink shafts, erect engines, &c.; the surface of the land was let to tenants at rack-rents, who were rated and paid rates for the same; the Court held, that these dues were in fact a rent, and the defendant was not rateable for it. 4 *B. & Ad.* 162. *M.* 1832.

1568. *R. v. Snowdon.* The corporation of Newcastle-upon-Tyne are seised in fee of the land on which that town is built, and are entitled to and collect a toll on all goods carried into or out of the town, not the property of a burgess; such parts of this toll as were collected at the Tyne Bridge entrance, the corporation let to the defendant at a certain rent, and he had a toll-house at the bridge for the purpose of collecting it; and the question was, whether he could be rated to the poor for the tolls received by him, or for the toll-house only: the Court held, that he was liable to be rated for the toll-house only, and not for the tolls; supposing this to be a toll thorough, he would clearly not be rateable; and even supposing it a toll traverse, he was not rateable for it, as he did not occupy any portion of the soil in respect of which the toll was payable. 4 *B. & Ad.* 713. *E.* 1833.

1569. *R. v. Chelsea Water Works Company.* This Company were rated to the poor for their basin or reservoir in the Green Park, and the pipes laid down from it through the park and through the streets. They admitted their liability as to the pipes laid down in the streets; but they contended that they were not liable as respected the pipes laid down in the park, because the Ranger of the park was already rated for the herbage of the park generally, including the place where the pipes were laid, and if

they were also rated, the same land would be twice rated. As to the basin or reservoir, it appeared that by a grant of Geo. 1, the crown, on petition of the Company that they should be at liberty to use and enjoy the same, and to lay mains, &c. granted to them "all that canal or basin, and all that the old pond in our said park afore described, to be converted into reservoirs, and to be used and enjoyed by the said Company as such, and for the purposes aforesaid, for and during the pleasure of us, our heirs and successors," together with leave to break up the ground for the purpose of laying their pipes, &c. subject to certain conditions, one of which was, that the Company's works there should be done under the inspection and direction of the Ranger; and the Company now contended that the grant had not the effect of giving them the exclusive occupation, and therefore they were not rateable for this basin or reservoir; the grant should be construed with reference to the petition, which it recited, and that merely prayed that the Company might be at liberty to use and enjoy it. As to the pipes in the Green Park, the Court held that the Company were clearly liable to be rated in respect of them; the Ranger was only rated for the herbage, which did not prevent others from being rated for the soil beneath, who had the exclusive use and possession of it. And as to the basin or reservoir, they were liable to be rated for it, for the same reason; they had, in fact, the exclusive occupation of the land where their reservoir was constructed, and in both cases had the exclusive right in a portion of the soil, though for a limited purpose only; and as to their holding it at will merely, that made no difference, a tenant at will being, until the will is determined, the occupier of the land. 5 B. & Ad. 156. T. 1833.

1570. *R. v. Great Hambleton.* Upon an appeal by the vicar of Hambleton against a poor-rate, by which he was assessed in the sum of £60 "for a composition or money-payment in lieu of tithes," it appeared that formerly the vicar was entitled to the small tithes in the parish, but that by an inclosure Act the lands to be set out for D. B., who was the principal proprietor, in lieu of his ancient estate, together with the tithes of all the lands in Hambleton, should be held and enjoyed by him, his heirs, &c. subject and charged, nevertheless, with an annual payment of £100 to the vicar, "in lieu and satisfaction of all demands and dues whatsoever which he was to have had and enjoyed in right of his said vicarage." The sessions, being of opinion that the vicar was not rateable for this money-payment, quashed the rate; and the Court now held that they had decided rightly; for the tithes in this case were not extinguished, but were merely transferred to D. B., who was rateable for them. 1 Ad. & E. 145. E. 1834.

1571. *R. v. Liverpool Exchange Proprietors.* These proprietors were rated to the poor in £1200 for their public news-room in the Exchange buildings, and the privileges thereunto

annexed; the company were incorporated by Act of Parliament, which empowered them to purchase land, and erect buildings, in which the proprietors were to be beneficially interested in proportion to their subscriptions, and such interest was to be deemed personal property; and it was enacted that two or more rooms should be provided and used as public rooms for transacting business relating to trade and commerce, and suitably furnished for the purpose. Of the two rooms fitted up for this purpose, one was let, at a rent of £200 a year, to the underwriters, who were rated for it to the poor; the other, (the subject of the present rate,) the company formed into a news-room, to which the proprietors were admitted without payment, and persons not proprietors upon payment of a subscription of three guineas a year; and proprietors having more shares than one, and proprietors not using the rooms, were paid three guineas per share. This room, if let simply with reference to its size, situation and accommodation as a news-room, was of the annual value of £600 only; if it was to be considered with relation to its actual profits, it was of the annual value of £1000; and if to this were to be added the value of the privilege of the proprietors in attending it without payment, it would be of the annual value of £1200. Stock in trade, profits, and personal property, were not rated in Liverpool at the time. The Court held, that the proprietors' privilege could not be taken as any part of the annual value; and on the other hand, it ought not to be rated merely for what it might let at with reference to its size, situation, &c. for it had certain advantages as a public room permanently attached to it by the Act of Parliament, producing a certain net revenue to the company, and upon the amount of that they should be rated. The Court accordingly ordered the rate to be reduced to £1000. 1 *Ad. & E.* 465. *T.* 1834.

Where rateable.

1572. *R. v. Pitt.* The defendant owned all the coal and coal-mines under a common called Tanfield Moor, in the township or chapelry of Tanfield, A. B. & C. owned the soil, stone, and all mines of other metal, and several persons had right of common upon it in respect of lands lying in the adjoining townships; the common was inclosed by Act of Parliament, by which one-sixteenth of the land was to be allotted to A. B. & C., and which was to be deemed to be in Tanfield, and the residue was to be allotted amongst those who had rights of common, each allotment to be deemed to be in the township where the lands lay in respect of which the right of common was claimed; but it was provided that nothing in that Act should prejudice or affect the defendant's right or interest in the coal or coal-mines under the common: some part of the common being allotted to persons having rights of common in respect of lands lying in the township of Kyo, the defendant was rated to the poor in Kyo for his coal-mines lying under these allotments: but the Court held that he was rateable only in Tanfield; before the Act his coal-

mines were in Tanfield, and as by the above proviso these were not to be affected by the Act, they must be deemed to be still in Tanfield, though the surface of the land was in Kyo. 5 B. & Ad. 565. H. 1833.

Remedy for a Rate.

1573. *Weaver v. Price & another.* The plaintiff was rated to the poor by the parish of Overton for a close of land which he occupied; the rate being demanded and not paid, the overseers applied to the defendants, two justices of peace, for a distress warrant, which was granted them, and they accordingly distrained for the amount of the rate; the plaintiff then paid the rate, and brought an action of trespass against the justices who signed the warrant, and, upon his proving that his close in fact was not in the parish of Overton, obtained a verdict. Upon a motion for a new trial, it was contended that trespass would not lie against a magistrate in such a case, and that the plaintiff's only remedy was by appeal against the rate; but the Court held, that as the plaintiff had no rateable property in the parish, the justices had no jurisdiction to grant a warrant of distress against him, and therefore that the action well lay. 3 B. & Ad. 409. E. 1832.

Appeal against a Rate.

1574. *R. v. JJ. of Hertfordshire.* An appeal against a rate being called on at sessions, and the appellant being then ready to prove his notice and proceed with the case, the respondents applied to put off the trial until the next sessions, which application was granted on payment of costs, and the respondents' counsel handed a copy of the notice of appeal to the clerk of the peace, to enable him to draw up the order; at the next sessions both parties appeared, but the respondents objected to the appeal being heard until the appellant first proved service of the original notice of appeal, and he not being prepared to do so, the sessions confirmed the rate. But upon an application for a mandamus to the justices to enter continuances and try the appeal, the Court held that the respondents had acted upon the notice so as to render any further proof of it unnecessary, and therefore the justices ought to have heard the appeal. 4 B. & Ad. 561. H. 1833.

1575. *R. v. JJ. of Cambridge.* Upon an application for a mandamus to justices to enter continuances and try an appeal against a rate, it appeared that the rate was duly made, allowed and published; but, upon its being appealed against by one of the parishioners, the parish officers gave him notice that they abandoned it, and that he need not therefore prosecute his appeal; and they tendered him the amount of some rates which he had paid under it, which, however, he refused to receive. The appellant, notwithstanding this, proceeded to the sessions, and, upon the appeal being called on, applied to quash the rate; but

the justices, being informed of the fact of the abandonment, said that they had no longer any jurisdiction, and refused to entertain the case. The Court now held, that the overseers had no power to abandon a rate which had been duly allowed and published, and that such rate existed as a valid rate until it was quashed; that the justices therefore had jurisdiction, and ought to have heard the appeal; and the Court accordingly made the rule for the mandamus absolute. *Ad. & E. MS. M. 1834.*

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